



Home Office

# Controlling or Coercive Behaviour

## Statutory Guidance Framework

5 April 2023

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## Executive Summary

This statutory guidance is issued under section 77 of the Serious Crime Act 2015 (the 2015 Act). Any persons or agency investigating offences in relation to controlling or coercive behaviour under section 76 of the 2015 Act must have regard to it. **This guidance is primarily aimed at statutory and non-statutory bodies working with victims, perpetrators and commissioning services, including the police, criminal justice agencies and other agencies.**

This guidance provides information on controlling or coercive behaviour, to assist in identifying, evidencing, charging, prosecuting and convicting the offence. This guidance also provides information on: reducing the risk of harm to and supporting the victim and their family, including how other agencies and support services can assist; and managing the perpetrator.

This guidance is intended to be read alongside the [Domestic Abuse Act Statutory Guidance](#),<sup>1</sup> the [Violence Against Women, Domestic Abuse and Sexual Violence \(Wales\) Act 2015](#) and the Welsh Government [National Strategy on Violence against Women, Domestic Abuse and Sexual Violence](#). The Government has also published a refreshed [Tackling Violence Against Women and Girls \(VAWG\) Strategy](#) which has been followed by a [Tackling Domestic Abuse Plan](#) and a [Position Statement on Supporting Male Victims of Crimes](#). These are supported by a revised [National Statement of Expectations](#), which provides clear and consistent guidance for local areas on how to commission support services for victims and survivors of all forms of VAWG.

**Section 1** sets out the aims of, and audience for, this guidance and provides an overview of the controlling or coercive behaviour offence.

**Section 2** provides further detail on what constitutes controlling or coercive behaviour, guidance on identifying and evidencing the offence, including: conducting appropriate risk assessments; an overview of tactics used by perpetrators; and information on where the offence does not apply and where other offences should be considered.

**Sections 3 and 4** provide detail on the defence where the defendant believes that he or she was acting in the best interests of the victim, criminal penalties, and protection orders for the controlling or coercive behaviour offence.

**Section 5** outlines the importance of a multi-agency response to cases of controlling or coercive behaviour and how support and other services can assist the victim and their family and manage the perpetrator.

**Section 6** provides information on related harms, offences and other forms of domestic abuse.

A glossary of acronyms used throughout this guidance can be found in **Annex H**.

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<sup>1</sup> The Domestic Abuse Act Statutory Guidance content is reflected in this document to ensure alignment. Both will be kept under regular review and updated to reflect any future legislative and/or operational changes to the criminal justice system.

# Section 1 – Purpose of this guidance

## Aims of the guidance

1. This guidance is intended to provide:

- **Clear information on what constitutes controlling or coercive behaviour and how to identify the offence.** This guidance aims to support agencies in understanding controlling or coercive behaviour and identifying the offence, including the types of behaviours that are within the range of the offence and the impact that these behaviours can have on victims, including children and young people.
- **Guidance to the police and other criminal justice agencies on circumstances where the offence applies and where other offences might be considered.** This guidance is issued to assist criminal justice agencies and other agencies in identifying and evidencing controlling or coercive behaviour and in charging, prosecuting and convicting perpetrators of the offence.
- **Guidance to the police and criminal justice agencies on the different types of evidence that can support in identifying, evidencing and charging the offence, and how this should support prosecutions and sentencing.** The controlling or coercive behaviour offence does not relate to a single incident – it is an intentional pattern of behaviour which takes place over time, in order for one individual to exert power, control or coercion over another. In responding to a call-out or a report, or suspicions arising from investigations, it is important for police officers to look beyond the individual report or call they are responding to, to consider the wider context, and to conduct enquiries around potential patterns of controlling or coercive behaviour and other forms of abuse being perpetrated.
- **Information on reducing risk to the victim, including: using protection orders; supporting the victim; and responding to the perpetrator's behaviour.** A multi-agency response is critical to identifying and supporting victims and their families at an early stage and responding to the perpetrator. Multi-agency working enables professionals to get a better understanding of all the risks to, and needs of, the victims, including children and young people. Multi-agency working also enables professionals to understand and manage the perpetrator (and any other family members and linked individuals), and to work collaboratively to respond to risks without waiting for the abuse to escalate.

## Audience

2. This guidance extends to England and to reserved matters in Wales. Any persons or agencies using this guidance must also be familiar with the [Domestic Abuse Statutory Guidance](#). This guidance, to be read alongside relevant legislation and strategies, should be referred to by Welsh agencies or devolved bodies discharging functions which are reserved to the UK Government (policing and criminal, civil and family justice matters).
3. **The offence of controlling or coercive behaviour applies in England and Wales, but it should be noted that the Senedd (Welsh Parliament) has the legislative competence to legislate for Wales in this area.** Devolved bodies and local organisations in Wales should therefore refer to the relevant Welsh legislation, in relation to devolved matters, such as the [Violence Against Women, Domestic Abuse and Sexual Violence \(Wales\) Act 2015](#), the [Violence Against Women, Domestic Abuse and Sexual Violence \(VAWDASV\) Strategy](#) and associated guidance, which are referenced throughout this document. We would expect both devolved and non-devolved organisations to continue to work together to implement the Domestic Abuse Act 2021, where relevant.
4. **This guidance is primarily aimed at police and criminal justice agencies in England and Wales involved in the investigation of criminal behaviour.** However, the information contained in this guidance is also important to organisations and agencies in England and Wales working with victims (including children) or perpetrators of domestic abuse, and to those dealing with the other consequences of domestic abuse, such as financial institutions. Some of these organisations may have statutory duties to safeguard victims of domestic abuse, including in relation to Welsh legislation. These include, but are not limited to:
  - English and Welsh local authorities
  - Police forces and Police and Crime Commissioners (PCCs)
  - The Crown Prosecution Service (CPS), Solicitors, Judges and Magistrates
  - Children and Family Court Advisory and Support Service (Cafcass) and Cafcass Cymru
  - Domestic abuse violence service providers, including any specialist domestic abuse services (including services for men and boys)
  - Local housing and homelessness teams, and registered social landlords
  - Early years, childcare, schools, colleges and higher education settings
  - Child and adult social care providers
  - Community mental health teams and in-patient providers (where applicable)
  - NHS England, NHS Primary Care providers, NHS Trusts and NHS Foundation Trusts
  - Integrated Care Boards (ICBs) and Integrated Care Partnerships (ICPs)
  - Employers
  - HM Prison and Probation services
  - HM Courts and Tribunals Service (HMCTS)
  - Youth offending services
  - Jobcentre Plus
  - Financial services (including banks and building societies)
  - Community and faith groups (including faith leaders)

## Introduction

*“Coercive control creates invisible chains and a sense of fear that pervades all elements of a victim’s life. It works to limit their human rights by depriving them of their liberty and reducing their ability for action.”<sup>2</sup>*

5. Section 76 of the [Serious Crime Act 2015](#) (the 2015 Act) introduced the criminal offence of controlling or coercive behaviour in an intimate or family relationship. The offence was brought into force in recognition of the severe impact of controlling or coercive behaviour which can comprise economic, emotional and psychological abuse, technology-facilitated domestic abuse, as well as threats, whether or not they are accompanied by physical and sexual violence or abuse.
6. The controlling or coercive behaviour offence previously only captured behaviour between current intimate partners, whether or not they lived together, and ex-partners or family members who live together. This meant that abuse by an ex-partner or family member who no longer lived with the victim could not be prosecuted for controlling or coercive behaviour. As such, when reported, there was often a lack of clarity over which offence to apply, with controlling or coercive behaviour often charged and prosecuted using other offences, such as stalking or harassment (as a course of conduct that occurs on two or more occasions).
7. Section 68 of the [Domestic Abuse Act 2021](#) (the 2021 Act) amended the definition of “personally connected” in section 76 of the 2015 Act. This removed the “living together” requirement, which means **that the offence of controlling or coercive behaviour now applies to partners, ex-partners or family members, regardless of whether the victim and perpetrator live together.**
8. The amendment was made to extend the offence recognising that controlling or coercive behaviour can persist and often increase when a relationship ends, or in cases where the victim no longer lives with the perpetrator. Prior to the extension of the offence, police, domestic abuse organisations and prosecutors often raised concerns on it not being clear when a relationship had ended.<sup>3</sup> Victims may be coerced by the perpetrator to return to the relationship, may feel they need to be in the relationship out of necessity (e.g. due to housing needs, financial dependence, lack of support outside of the relationship, children and contact issues)<sup>4</sup> or may perceive remaining in the relationship as safer, with separation being a significant risk factor in domestic abuse cases.<sup>5</sup> Controlling or coercive behaviour can also be perpetrated in cases where the victim has never been in an intimate relationship or lived with the perpetrator, but may be in a parental or familial relationship with them through parenting the same child.

<sup>2</sup> [Coercive control - Women’s Aid \(womensaid.org.uk\)](#).

<sup>3</sup> [Review of the Controlling or Coercive Behaviour Offence.](#)

<sup>4</sup> [Refuge.org.uk \(2022\) Barriers to Leaving.](#)

<sup>5</sup> [Myhill A, Hohl K \(2019\) The “Golden Thread”: Coercive Control and Risk Assessment for Domestic Violence., Journal of Interpersonal Violence. Volume 34, Issue 21-22, pp.4477-4497.](#)

9. These factors can present challenges for the police in terms of collecting evidence to build a case, either on controlling or coercive behaviour or stalking. **Removing the requirement for ex-partners or family members to be “living together” seeks to address these issues. It is also important to be aware that controlling or coercive behaviour can evolve when the perpetrator no longer lives with the victim, with new tactics being deployed to exercise control over a victim.**
10. **The amendment to the controlling or coercive behaviour offence came into force on 5 April 2023 and does not apply retrospectively.** This means that charges cannot be brought in relation to post-separation abuse that has occurred before the date the amended offence comes into force. If you are unsure of whether the amendment to the controlling or coercive behaviour offence may apply in a specific case, in the first instance, speak to a specialist domestic abuse police officer. Police may also seek further Early Investigative Advice from the CPS.<sup>6</sup>
11. This statutory guidance has been updated to reflect the changes made to the offence, wider measures within the 2021 Act and the accompanying Domestic Abuse Statutory Guidance, as well as other relevant guidance and training material for frontline agencies.
12. Section 1(3)(c) of the 2021 Act created a statutory definition of domestic abuse which encompasses a range of abusive behaviours, including controlling or coercive behaviour. Section 2 of the 2021 Act defines the term “personally connected” for the purpose of the relationship criteria in section 1(2)(a) of the 2021 Act. Please refer to **Annex C** for the full statutory definition of domestic abuse, the legal definition of “personally connected” and the 2021 Act amendment to the controlling or coercive behaviour offence.
13. In this guidance, “A” is referred to as the perpetrator of the abuse and “B” is referred to as a victim of the abuse. The term ‘victim’ is used in this document to denote someone who has experienced domestic or other forms of abuse. As set out in section 3 of the 2021 Act, ‘victim’ includes children (under 18) who have seen, heard, or experienced domestic abuse and are related to, or under the care of, either the adult victim or the perpetrator. It should be noted that not everyone who has experienced or is experiencing domestic abuse chooses to describe themselves as a ‘victim’ and may prefer another term, for example, ‘survivor’. We recognise both terms, but in this document, we have used the language of the 2021 Act, which is ‘victim’.
14. All names used in case studies within this guidance have been changed to protect identities and maintain anonymity. In some case studies, individual cases have been merged to further protect the anonymity of victims. These case studies have been created through a combination of police files, consultation responses and case studies provided by organisations and charities in the sector.

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<sup>6</sup> Where appropriate, the Service Police and Commanding Officers should refer to the Service Prosecuting Authority (SPA) rather than the CPS.

## The offence of controlling or coercive behaviour

15. The controlling or coercive behaviour offence is only applicable where:
  - The victim and perpetrator are **personally connected** at the time the behaviour takes place;
  - The behaviour has had a **serious effect** on the victim;
  - The behaviour takes place **repeatedly or continuously**; and
  - **The perpetrator must have known that their behaviour would have a serious effect on the victim**, or the behaviour must have been such that he or she “ought to have known” it would have had that effect.
16. Controlling or coercive behaviour should be dealt with as part of safeguarding and public protection procedures and professionals should be aware of the impact of this behaviour on victims, including children and young people.
17. Please see **Annex B** for the full offence of controlling or coercive behaviour and the legal power for this statutory guidance.
18. Section 68 of the 2021 Act amends Section 76 of the 2015 Act, the offence of controlling or coercive behaviour in an intimate or family relationship, to read as follows:

“(6) A and B are “personally connected” if any of the following applies—

- (a) they are, or have been, married to each other;
- (b) they are, or have been, civil partners of each other;
- (c) they have agreed to marry one another (whether or not the agreement has been terminated);
- (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- (e) they are, or have been, in an intimate personal relationship with each other;
- (f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (6A));
- (g) they are relatives.<sup>7</sup>

(6A) For the purposes of subsection (6)(f) a person has a parental relationship in relation to a child if—

- (a) the person is a parent of the child, or
- (b) the person has parental responsibility for the child.”

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<sup>7</sup> Section 63 of the Family Law Act 1996 states “relative”, in relation to a person, means:

(a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that person or of that person’s [F5]spouse, former spouse, civil partner or former civil partner], or (b) the brother, sister, uncle, aunt, niece [F6], nephew or first cousin] (whether of the full blood or of the half blood or [F7]by marriage or civil partnership)] of that person or of that person’s [F5]spouse, former spouse, civil partner or former civil partner], and includes, in relation to a person who [F8]is cohabiting or has cohabited with another person], any person who would fall within paragraph (a) or (b) if the parties were married to each other [F9]or were civil partners of each other].

19. There are two ways in which it can be proved that person A's behaviour has a 'serious effect' on person B:
- If it causes person B to fear, on two or more occasions, that violence will be used against them – section 76 (4) (a); or
  - If it causes person B serious alarm or distress which has a substantial adverse effect on their usual day-to-day activities – section 76 (4) (b).
20. The offence seeks to capture **patterns of abuse** that occur over a prolonged period of time, or **cause fear of violence** on two or more occasions, which enables an individual to exert power, control or coercion over another.

## Section 2 – Criminal justice response

21. **When investigating controlling or coercive behaviour, all of the following criteria must be met for the offence to apply:**

**A) The controlling or coercive behaviour must take place “repeatedly” (on two or more occasions) or “continuously” (on an ongoing basis).**

Behaviour displayed on only one occasion would not amount to repeated or continuous behaviour and courts will look for evidence of behaviour that has occurred on two or more occasions, or a pattern of behaviour established over a period of time. As much evidence as possible must therefore be gathered to show that the behaviour has occurred on two or more occasions, is repetitive or continuous in nature. **A victim’s statement must include the impact of the behaviour on the victim, including the way in which their behaviour may have changed as a result of the offending. This is key to the evidence gathering.**

The 2015 Act does not specify a timeframe between repeated incidents of controlling or coercive behaviour, therefore, the abuse does not necessarily have to take place in immediate succession. The controlling or coercive behaviour could be a combination of different types of abusive behaviour, for example economic, emotional, sexual or physical. Other abuses may be present and other offences may apply in addition to controlling or coercive behaviour. However, where abuse takes place on two occasions but over a prolonged period (for example, ten years apart), it is unlikely that this will be considered behaviour that has occurred repeatedly or continuously. Officers should accurately record any relevant information over an extended period of time, as those perpetrating abuse can continue the abuse for years, including after separation. For example, case law shows that incidents on birthdays and anniversaries can constitute controlling or coercive behaviour.<sup>8</sup>

**B) The pattern of behaviour has to have a “serious effect” on the victim.**

This means that the perpetrator has caused the victim to either **fear that:**

- **Violence will be used against them on two or more occasions** (section 76 (4)(a)); **and/or;**
- **Caused serious alarm or distress which has had a substantial adverse effect on the victim’s usual day-to-day activities** (section 76 (4) (b)).

Examples of where the perpetrator's behaviour has a "serious effect" on the victim includes cases where the victim is subjected to repeated and/or physical violence, sexual assault, coercion, abuse, or threats of such acts. However, violence and/or threats of violence do not need to be present for controlling or coercive behaviour to take place.

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<sup>8</sup> Lau v. DPP [2000] Crim LR 580.

**Examples of a serious effect on the victim may include, but are not limited to:**

- Stopping or changing the way someone socialises
- Physical or mental health deterioration
- A change in routine at home including those associated with mealtimes or household work
- Putting in place measures at home to safeguard themselves or their children
- Changes to work patterns, employment status or routes to work Being monitored by and needing to report back to the perpetrator
- Having their financial independence restricted e.g. the perpetrator denying access to money, preventing the victim from working, sabotaging employment or welfare benefits, denying access to joint bank accounts, or coerced debt
- Being deprived access to medication, phone and internet usage
- Feeling unable to have family or friends visit
- Feeling unable to take part in activities which they previously enjoyed
- Becoming socially isolated
- Being told what they can and cannot wear
- Emotional and psychological harms including anxiety, depression, post-traumatic stress disorder
- Being punished or having to follow rules
- Living in fear of punishment of any kind

**When attending a callout for physical or any other type of assault**, it is therefore important for police officers and frontline responders to look beyond what may be presented to them at the scene and **consider whether there may be a pattern of controlling or coercive behaviour** or other forms of abuse being perpetrated. **Controlling or coercive behaviour can take place without the presence of any physical or sexual abuse.** It is important to note that a “serious effect” on the victim may not be immediately obvious, for example, if the victim does not appear to be in emotional distress.

Furthermore, controlling or coercive behaviour can have a cumulative impact on the victim, and in many cases, they may only be able to come to terms with the impact of the abuse or understand that it has occurred at a later stage. Therefore, it is vital that a thorough investigation takes place.

- C) The behaviour must be such that the perpetrator knows or ought to know that it will have a serious effect on the victim.** “Ought to know” means that which a reasonable person in possession of the same information would know.
- D) The perpetrator and victim have to be personally connected when the abuse took place.** Please refer to **Annex C** for the 2021 Act’s definition of “personally connected”.

## Types of behaviour

22. Controlling or coercive behaviour shares general elements with other capture or course of conduct crimes such as stalking and harassment, including that the conduct is ongoing and perpetrators will use various means to hurt, humiliate, intimidate, exploit, isolate and dominate their victims.<sup>9</sup> **It is an intentional pattern of behaviour that occurs on two or more occasions, or which takes place over time, in order for one individual to exert power, control or coercion over another.** A list of behaviours that are within the range of controlling or coercive behaviour are included below (page 15).
23. **Victims of controlling or coercive behaviour may not be aware of, be ready to acknowledge, or be able to communicate that the abuse they are currently experiencing, or have previously experienced, is part of a pattern of controlling or coercive behaviour.** Such behaviour, however, often continues or intensifies when a relationship has ended, which can be a dangerous time for a victim, with increased risks to their physical safety.<sup>10</sup>
24. Victims can experience these abusive behaviours simultaneously, they may occur quickly and intensely, or they may develop and build gradually over time, with victims not realising they are being abused. At the centre of such abusive behaviour is the perpetrator's desire to exercise power and control over the victim.<sup>11</sup>
25. **The perpetrator carries responsibility for choosing to carry out these behaviours and is accountable for them.** Whilst it is recognised that anyone can be a victim of domestic abuse, statistics consistently show that women are disproportionately affected. Domestic abuse perpetrated towards women by men is often linked in research to wider gender inequality, misogyny and perceptions around harmful gender norms.<sup>12</sup>
26. Since the controlling or coercive behaviour offence came into effect on the 29 December 2015, the volume of these offences recorded by the police has increased steadily, with 41,626 recorded offences in the year ending March 2022.<sup>13</sup> This compares to 4,246 offences in year ending March 2017.<sup>14</sup>
27. The Crime Survey for England and Wales (CSEW), year ending March 2022 estimated that more than a quarter of women aged 16 and over (29.3%) in England and Wales experienced domestic abuse (not limited to controlling or

<sup>9</sup> Stark, E (2007) [Coercive Control: The Entrapment of Women in Personal Life](#), Oxford: Oxford University Press, p.5.

<sup>10</sup> Myhill A, Hohl K (2019) The "Golden Thread": Coercive Control and Risk Assessment for Domestic Violence., [Journal of Interpersonal Violence. Volume 34, Issue 21-22, pp.4477-4497.](#); the Home Office, Vulnerability and Knowledge Programme, NPCC, College of Policing (2021) [Vulnerability Knowledge and Practice Programme \(VKPP\): Domestic Homicides and Suspected Victim Suicides During the Covid-19 Pandemic 2020-2021.](#)

<sup>11</sup> See Myhill, A (2018) [The police response to domestic violence: Risk, discretion, and the context of coercive control.](#) City, University of London; [Controlling or Coercive Behaviour in an Intimate or Family Relationship | The Crown Prosecution Service \(cps.gov.uk\); An introduction to coercive control | Safelives.](#)

<sup>12</sup> Guedes. A, Bott. S, Garcia-Moreno. C., Colombini. M.(2016) Bridging the gaps: a global review of intersections of violence against women and violence against children, see [What is domestic abuse? - Women's Aid \(womensaid.org.uk\).](#)

<sup>13</sup> ONS (2022) [Police recorded crime open data Police Force Area tables from year ending March 2013 onwards.](#)

<sup>14</sup> ONS (2017) [Domestic abuse in England and Wales - Office for National Statistics \(ons.gov.uk\).](#)

coercive behaviour) at some point in their lives. For men, this was around 1 in 7 (14.1%).<sup>15</sup>

28. In the year ending March 2022, in 74.1% of the domestic abuse crimes recorded by police in England and Wales the victim was female and in 25.9% of cases the victim was male<sup>16</sup>. Between the year ending March 2019 and the year ending March 2021, 72% of domestic homicide victims have been women, equating to around 90 women being killed in a domestic homicide every year in England and Wales. The majority of defendants prosecuted, in the year ending March 2022 for controlling or coercive behaviour were male (98%, where the sex was known).<sup>17</sup>

29. **Controlling or coercive behaviour can be part of a wider pattern of abuse, which includes other forms of often more overt or visible forms of abuse, such as physical or sexual assault.** Whilst section 76 of the 2015 Act sets out the criteria that must be met for the controlling or coercive behaviour offence to apply, it is also important to be aware that certain types of behaviour that can amount to controlling or coercive behaviour can manifest themselves in other harms and forms of abuse, including economic abuse, technology-facilitated abuse, harassment or stalking (please also refer to *Section 6 – Related harms, offences and other forms of domestic abuse*).

30. Differentiating between controlling or coercive behaviour and other forms of abuse, in particular those that involve similar behaviours such as stalking, is an important factor when determining which offence to investigate in order to build a case and apply the appropriate charge (please also refer to *Considering Other Offences* in this section). It is also important to determine the risk posed by the perpetrator in order to consider the specialist support the victim may require and to inform any sentencing.

31. **In identifying controlling or coercive behaviour, it is important to consider the context** in which the behaviour is taking place, in particular:

- The relationship history between the victim and the perpetrator (this can include, for example, any history of abuse, referrals to MARACs (Multi-Agency Risk Assessment Conferences) and specialist domestic abuse support services. Criminal records of abuse are not the only indicators that controlling or coercive behaviour is occurring;
- The perpetrator's tactics (please also refer to *Perpetrator Tactics* in this section); and
- The harm, or risk of harm, and the impact of this harm on the victim (please also refer to *Types of Evidence* in this section, the Authorised Professional Practice (APP) First Response Checklist and the Joint National Police Chiefs' Council (NPCC) and CPS Domestic Abuse Evidence Gathering Checklist).

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<sup>15</sup> [Crime in England and Wales - Office for National Statistics \(ons.gov.uk\)](#). The CSEW does not have a measure for prevalence of controlling or coercive behaviour, so we do not know the estimated prevalence of this offence.

<sup>16</sup> ONS (2022) [Domestic abuse prevalence and trends, England and Wales - Office for National Statistics \(ons.gov.uk\)](#)

<sup>17</sup> ONS (2022) [Domestic abuse and the criminal justice system, England and Wales - Office for National Statistics \(ons.gov.uk\)](#).

32. The following list outlines behaviours that are within the range of controlling or coercive behaviour:

#### Physical and sexual violence/abuse and violent behaviour

- Physical violence, and threats of physical violence;
- Physical intimidation e.g. blocking doors, clenching or shaking fists, slamming doors, hitting walls, pretending to hit or swing, throwing objects at or around the victim, displaying weapons or harmful objects, driving dangerously or erratically with the victim in the car; and
- Sexual assault, coercion or abuse, and threats of sexual assault.

#### Emotional and psychological abuse

- Abuse relating to faith or beliefs;
- Verbal abuse;
- Constant criticism of the victim's role as a partner, spouse or parent;
- Criticising the victim's choice of friends and associates;
- Intentionally undermining and/or manipulating the victim; and
- Posting unwanted messages on the victim's social media.

#### Controlling Behaviours

- Controlling or monitoring the victim's daily activities and behaviour, for example making them account for their time, dictating what they can wear, what and when they can eat, when and where they may sleep, who they meet or talk to, where they may work, restricting access to training/development etc.;
- Using digital systems, such as smart devices or social media, to coerce, control, upset and monitor the victim (e.g. restricting and checking phone use, needing to know passwords for accounts, using location tracking on devices, posting of a possibly triggering image);
- Controlling and monitoring the victim's access to their post;
- Acts of coercion or force to persuade the victim to do something that they are unwilling to do;
- Economic abuse (e.g. coerced debt, controlling spending/bank accounts/investments/mortgages/benefit payments);
- Using a victim's workplace to control them, e.g. denying access to work, dictating where they work, turning up at work;
- Making and enforcing rules and regulations that the victim is expected to follow and using punishments to make them comply e.g. making accusations or humiliating a person in public or private for deviating from the rules;
- Coercing the victim into carrying out criminal behaviour such as selling drugs or carrying weapons;
- Following the victim and/or appearing unexpectedly, e.g. at their place of work or at places where they are meeting friends;
- Reproductive coercion, including restricting a victim's access to birth control; refusing to use a birth control method; forced pregnancy; forcing a victim to get an abortion, to undergo in vitro fertilisation (IVF) or other procedure; or denying access to such a procedure;
- Using substances such as alcohol or drugs to control a victim through dependency, or controlling their access to substances;

- Using child arrangements and child maintenance to control the victim.

### Restrictive Behaviours

- Withholding and/or destroying the victim's immigration documents, e.g. passports and visas;
- Preventing normal leisure activities such as volunteering, joining local clubs and groups, sports teams, civil/charitable activity, etc.;
- Preventing the victim from learning a language, improving their existing language skills, such as English if this is not their first language, or making friends outside of their ethnic/ or cultural background;
- Refusing to interpret (including British Sign Language, BSL, for deaf victims) on behalf of the victim;
- Hindering access to communication, e.g. refusing to make information accessible, denying access to communication support tools, augmentative and alternative communication (AAC), and/or professionals who support communication;
- Restricting access to health and social care appointments, or preventing the victim from accessing health or social care, including refusing to allow the victim to attend appointments alone (especially relevant for victims with disabilities or long-term health conditions);
- Preventing the victim from taking medication, or accessing medical equipment, or over-medicating them; and
- Isolating the victim from family, friends, colleagues and professionals who may be trying to support them, intercepting messages or phone calls.

### Threatening Behaviours

- Threats of being placed in an institution against the victim's will, e.g. care home, supported living facility, mental health facility, etc. (particularly for disabled or elderly victims);
- Threats to expose/exposure of sensitive information (e.g. sexual activity, private sexual photos or films,<sup>18</sup> sexual orientation and/or transgender identity), or making false allegations to family members, friends, work colleagues, community or others, including via photos or the internet;
- Making false allegations to statutory agencies (e.g. Police, Children's Services, Jobcentre, Child Maintenance Services);
- Using children to control the victim, e.g. threatening to take the children away, threatening to harm the children;
- Using pets to control or coerce a victim, e.g. harming, or threatening to harm or give away pets;
- Intimidation and threats of disclosure of health status or an impairment to family, friends, work colleagues and the wider community, particularly where this may carry a stigma in the community;
- Threats to the victim, including to their family, friends and pets, that make them feel afraid;
- Threats to report a victim to immigration enforcement and/or the police, or threaten to remove the victim to their country of origin; and
- Intimidation or threats to go to the police to report alleged offending.

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<sup>18</sup> Threats to disclose private sexual photographs and films, without the consent of the relevant individual, and with the intent to cause distress, has been made a specific offence under Section 69 of the Domestic Abuse Act 2021.

**Please also refer to Section 6 in this guidance for further detail on related harms, offences and other forms of domestic abuse.**

### **Case Study – Ewa**

Ewa was in a car accident that resulted in her often needing to use a wheelchair and struggling with chronic pain. Despite this, her partner Piotr still expected Ewa to keep the house clean, cook meals, do the food shopping and care for their children full-time. If Ewa was unable to complete these tasks to Piotr's standard, he would refuse to collect her prescription or would hide her medication, leaving her in worse pain. Sometimes when Piotr went to work, he would take Ewa's wheelchair with him as "punishment" which meant she could not physically leave the house.

Being unable to access her medication and wheelchair worsened Ewa's condition, and at times she would struggle to dress herself or wash. Piotr would refuse to help with these daily tasks, as he would say this was "not his job". He would often berate Ewa about her appearance and would say she could not leave the house looking a certain way. Piotr eventually said that he would help Ewa with her care but would expect sex in return. Ewa felt she had no choice as she was becoming increasingly reliant on Piotr. This abuse impacted Ewa's self-esteem and left her feeling trapped and completely isolated.

Children's Social Services became concerned about the children's presentation and visited Ewa while Piotr was at work. Ewa disclosed what had been happening and the police were called. Ewa's local authority was able to support in sourcing accessible accommodation for Ewa and the children, as well as assist Ewa with her ongoing care needs. Piotr was later charged with controlling or coercive behaviour.

## Identifying the offence

33. When working with victims of domestic abuse, it is important to be aware that there are no “typical” victims. Some groups may be at greater risk of experiencing domestic abuse but anyone can be affected. Care should be taken to avoid stereotypical assumptions regarding domestic abuse. Irrespective of gender, domestic abuse occurs amongst people of all ethnicities, sexualities, ages, disabilities, religion or beliefs, immigration status or socio-economic backgrounds. Domestic abuse can occur between family members, including extended family members, as well as between intimate partners or ex-partners.<sup>19</sup>
34. **It is also important to listen to victims of domestic abuse and avoid making assumptions that may lead to missed opportunities in supporting and protecting victims.**<sup>20</sup> Officers should also consider the College of Policing’s *Recognising and responding to vulnerability-related risks guidelines* when working with victims.<sup>21</sup>
35. Victims may face major barriers when leaving a relationship with a perpetrator, or not want to leave at that time. There can be a lack of public and professional understanding around why victims do not “just leave”, which can create further stigma around the abuse they are experiencing and be a barrier for victims accessing effective support.<sup>22</sup> Some victims may also have previous experience of not being believed or not having their disclosure taken seriously, or effectively acted on. Victims also stay in the relationship as a means of managing their own risk or risk to others, if they believe that leaving the relationship may pose an increased risk to them, their children and/or their wider family.
36. **When responding to a callout, it is important for police officers to use professional curiosity and look beyond what may be presented to them at the scene, in order to identify any patterns of behaviour.** Police officers must always consider the wider context and that there may be other elements of the perpetrator’s behaviour, or other forms of abuse being perpetrated, which could amount to controlling or coercive behaviour. To assist with this, responding officers should be informed of any previous reports.
37. **A call-out may initially be in response to a report of another incident (e.g. physical violence, sexual assault, criminal damage, threats or verbal abuse) but it is important to recognise that this could be part of a pattern of controlling or coercive behaviour.** For example, a memory of an assault could be used by the perpetrator as a reminder of the threat of further violence and as a tool for control and coercion.
38. His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) have recommended that police officers should receive training to develop their understanding of, and ability to recognise, controlling or coercive

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<sup>19</sup>See [Domestic abuse prevalence and trends, England and Wales - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk).

<sup>20</sup> [SafeLives \(2015\) Professionals miss five opportunities to stop domestic violence, says SafeLives.](#)

<sup>21</sup> [Recognising and responding to vulnerability related risks: Guidelines \(college.police.uk\)](#).

<sup>22</sup> [Overstreet, N. M., & Quinn, D. M. \(2013\). The Intimate Partner Violence Stigmatization Model and Barriers to Help-Seeking, Basic and applied social psychology, Volume 35, Issue, pp.109–122.](#)

behaviour.<sup>23</sup> Without an understanding of such behaviour, cases can be missed. Research suggests that police officers are experienced in responding to 'incidents' of domestic abuse, particularly physical violence, rather than a pattern of abusive behaviour.<sup>24</sup> The same research found that victims most commonly engaged with the police to report an assault rather than controlling or coercive behaviour. This meant that many cases were recorded as actual bodily harm (ABH), even where controlling or coercive behaviour was also present.

39. **It is vital that when responding to a report, such as physical violence or the threat of physical violence, police officers enquire about other elements or patterns of the perpetrator's behaviour which led to a police callout, and whether other forms of abuse have occurred which could amount to controlling or coercive behaviour.** For example, repeat police callouts may indicate that there is a course of conduct and a pattern of abusive behaviour by the perpetrator. Controlling or coercive behaviour can, however, have been occurring for a long period of time before it is reported.
40. In many cases, the perpetrator's conduct might not appear abusive, especially if considered in isolation from wider behaviours, and the victim may not be aware of, be ready to acknowledge, or be able to communicate that they are being subjected to abuse. **Consideration of the cumulative impact of any behaviour, particularly where this includes control or coercion within the relationship, is crucial.** This approach supports any prosecutor to effectively assess whether a pattern of behaviour exists, whether this behaviour amounts to fear that violence will be carried out or has caused the victim serious alarm or distress, and whether this has had a substantial adverse effect on their usual day-to-day activities.<sup>25</sup>
41. **Whilst a charge for controlling or coercive behaviour can be made without the presence of physical violence or sexual assault, police officers should always consider pursuing controlling or coercive behaviour cases where appropriate, when violence is identified.**
42. **It should be noted that evidencing controlling or coercive behaviour does not require two police callouts for the offence to have occurred. It is also the case that where there is insufficient evidence to charge for physical assault, there may be evidence to charge for the offence of controlling or coercive behaviour.**

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<sup>23</sup> [The police response to domestic abuse: An update report \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk).

<sup>24</sup> Barlow, C, Johnson, K, Walklate, S, Humphreys, L (2020) [Putting Coercive Control into Practice: Problems and Possibilities](#), The British Journal of Criminology, Volume 60, Issue 1, pp. 160-179.

<sup>25</sup> [CPS \(2017\) Controlling or Coercive Behaviour in an Intimate or Family Relationship](#).

## Case Study – Daniel

In March 2022 at 11pm, Andrew physically assaulted Simone because she had asked him for some money to buy her son, Daniel, some new trainers for his birthday. His assault on her broke her jaw. A neighbour heard the assault and called the police. This was the first time the police had been called. Andrew was arrested and remanded in custody. A Clare's Law (Domestic Violence Disclosure Scheme, DVDS) application was carried out and Simone was advised that Andrew had been arrested for a physical assault against his previous wife six years ago.

Daniel heard Andrew assault his mum and whilst he pretended to be asleep when the police officers arrived, they went to his room and spoke to him. The police asked Daniel about what it was like living with Andrew. Daniel told the police that Andrew sometimes asked him to spy on his mum as he wanted to know where she went and who she spoke to when Andrew was on night shifts. Daniel said Andrew wouldn't let him or his mum have any money. This means she couldn't afford to let him go on school trips or to the cinema. He said he was embarrassed that he often had to wear second-hand clothes and got bullied at school because of this.

The night of the assault, Daniel couldn't sleep and was late for school the next day. He couldn't concentrate and worried all day about his mum. The assault on Simone happened two days before Daniel's 10th birthday. Daniel's grandmother had paid for Daniel to go bowling for his birthday but Daniel didn't want to go because he was too embarrassed to let his friends see his mum's broken jaw and bruises. As Andrew controlled the household budget, Simone didn't have access to any of the family finances and so couldn't even take Daniel out for a meal on his birthday.

Andrew's family blamed Simone for 'getting Andrew arrested' and they fell out with her. This meant Daniel was unable to see them around the time of his birthday, nor did he receive presents from them.

Andrew was subsequently charged with a number of offences, including controlling or coercive behaviour.

## Conducting appropriate risk assessments

43. **Victims of controlling or coercive behaviour may not be aware of, be ready to acknowledge, or be able to communicate that the abuse they are currently experiencing or have previously experienced, is part of a pattern of controlling or coercive behaviour.** Furthermore, victims of controlling or coercive behaviour may not be aware that such behaviour amounts to a criminal offence.
44. Police officers adopting a thorough approach on a first visit to a victim are critical in uncovering evidence in relation to the offence and building a case. **Conducting a safe inquiry with the victim and undertaking a proper risk assessment is paramount in investigating a possible offence, in order to bring to light evidence of any pattern of abuse, rather than an isolated incident.**
45. Controlling or coercive behaviour should be considered in all cases of domestic abuse, as part of the assessment of potential escalation in risk to all impacted parties. Controlling or coercive behaviour is a high-risk factor of future violence towards the victim<sup>26</sup> and a known risk factor in domestic homicides and suicides.<sup>27</sup> It therefore important that the presence of controlling or coercive behaviour is considered by the police and other authorities when conducting any investigation in relation to domestic abuse.
46. Ensuring that the victim is away from the perpetrator and children (if safe to do so) is imperative to risk assessment and safety planning. Chief police officers should assure themselves that risk assessments used in their forces are the best available for identifying controlling or coercive behaviour.
47. Accurate crime recording can support with assessing risk as well as evidencing controlling or coercive behaviour more generally. Officers may respond to an initially seemingly unrelated incident, or a single incident which does not amount to an offence on its own, but over time this could build the case for a controlling or coercive behaviour prosecution. Body Worn Videos (BWVs) can be used by officers attending a callout to assist in capturing evidence, for example, the victim's account, home conditions (e.g. if damage has been disclosed), safeguarding issues (e.g. children that are present during the incident) and the suspect's demeanour.
48. **As part of any risk assessment, safeguarding of children must be ensured.** Police have a duty to protect children from harm and in all investigations the principle that the welfare of the child is paramount should be observed.<sup>28</sup> At any domestic abuse callout, police officers should speak to any children present depending on whether it is safe to do so, and taking into account the child's age.

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<sup>26</sup> [Myhill, A & Hohl, K \(2019\) "The "Golden Thread": Coercive Control and Risk Assessment for Domestic Violence", Journal of Interpersonal Violence, Volume 34, Issue 21-22 p.4477-4497.](#)

<sup>27</sup>the Home Office, Vulnerability and Knowledge Programme, NPCC, College of Policing (2021) [Vulnerability Knowledge and Practice Programme \(VKPP\): Domestic Homicides and Suspected Victim Suicides During the Covid-19 Pandemic 2020-2021.](#)

<sup>28</sup> [College of Policing - Domestic Abuse: First Response.](#)

49. **As per the Domestic Abuse Act 2021, children are considered victims of domestic abuse in their own right if they see, hear, or experience the effects of abuse,<sup>29</sup> and are related to either the victim or perpetrator. Controlling or coercive behaviour should be considered in relation to the children directly, but also with regards to the children being used to exert control over the victim.** For further information on safeguarding responsibilities, including for children and multi-agency working, please refer to Chapter 4 of the Domestic Abuse Statutory Guidance and [Working Together to Safeguard Children \(2018\)](#). Police should also refer to their relevant protocols for safeguarding adults and children.

50. When attending callouts, it is important to be sensitive to the response of the people being attended to. A perpetrator may seem calm and measured whilst a victim could appear distressed or aggressive. Alternatively, a perpetrator trying to hide their behaviour may present as distressed in an attempt to lay blame on the victim. Responding officers should focus on the welfare of the victim and their safety, including through de-escalation techniques, emotional awareness, active listening and both verbal and non-verbal communication,<sup>30</sup> to help ease victims who may be traumatised as a result of what they have experienced.

*“When the police turned up – he had been loud, violent, aggressive, smashing things and hitting me. By the time the police arrived – what they would have met is me – very frightened, very panicky, very emotional, very trembly – house smashed, not making much sense and him a very gathered gentleman, fantastically well educated, calm, saying he’d never laid a hand on me.”<sup>31</sup>*

*HMIC Focus Group Data, 2014*

51. **In all domestic abuse cases, if firearms are held by the perpetrator or are in the home, the local police Firearms Licensing Team should be notified so that they can consider seizing the firearms or revoking any licence that the perpetrator holds. It is also important in terms of risk mitigation and intelligence to ensure officers attending future calls have this information.** The [Firearms Licensing Statutory Guidance](#) for police was published in February 2023 and contains further information about firearms licensing in respect of cases involving domestic abuse.

52. For further support tools for police officers in England and Wales, please refer to:

- the [College of Policing Guidance First Response \(domestic abuse incident\)](#),
- [Joint NPCC and CPS Evidence Gathering Checklist](#); and
- the [Domestic Abuse Matters Training Programme](#).

<sup>29</sup> [Domestic Abuse Act 2021 – Section 3 \(legislation.gov.uk\)](#).

<sup>30</sup> [College of Policing \(2020\) Conflict Management Skills](#).

<sup>31</sup> [Her Majesty’s Inspectorate of Constabulary \(HMIC\) \(2014\) Everyone’s business: Improving the police response to domestic abuse. p.76](#).

## Counter allegations and identifying the perpetrator

53. The CPS [Domestic Abuse Legal Guidance](#) states that “Prosecutors may often be presented with conflicting accounts of the incident, with each party claiming to be the victim. The suspect may make a counter-allegation of abuse, or argue that they have acted in self-defence, making it difficult to identify and distinguish between the primary victim and primary suspect.”<sup>32</sup> See Table 1 of the [CPS Toolkit for Prosecutors on Violence Against Women and Girls Cases Involving a Vulnerable Victim](#) on assessing the credibility and understanding perpetrator tactics.
54. Police officers should avoid dual arrests, especially if there are children present, but this is not always possible. Where counter-allegations are made at the scene, officers should evaluate each party’s complaint separately to determine whether there was a primary perpetrator.<sup>33</sup>
55. Police officers should examine whether:
- the victim may have used justifiable force against the suspect in response to their abuse;
  - the suspect may be making a false counter-allegation;
  - both parties may be exhibiting some injury and/or distress; and
  - a manipulative perpetrator may be trying to draw the police into colluding with their control or coercion of the victim, by making a false incident report.
56. When investigating counter-allegations, officers should note and record:
- body language;
  - whether either party has made threats to another party, child or another family or household member;
  - whether either party has a history of abuse or violence;
  - whether either party has made previous counter-allegations;
  - whether either party acted defensively to protect him or herself or a third person from injury; and
  - what any third-party witnesses say.<sup>34</sup>
57. For further information, please see [College of Policing Guidance on First Response](#), College of Policing Guidance and the section on *Self-defence and counter allegations* of the [CPS Domestic Abuse Guidance](#).

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<sup>32</sup> [CPS Legal Guidance: Domestic abuse.](#)

<sup>33</sup> [First response | College of Policing.](#)

<sup>34</sup> [First response | College of Policing.](#)

## Types of evidence

58. There can be a perception that controlling or coercive behaviour is a ‘complex’ offence with a high evidence threshold and that it is therefore difficult to investigate, charge and prosecute.<sup>35</sup> However, police<sup>36</sup> and Ministry of Justice (MoJ) data<sup>37</sup> show that since the 2015 Act came into force, there has been a consistent increase in cases being recorded, prosecuted and convicted. Research on the police response to controlling or coercive behaviour has shown that the likelihood of arrest in such cases was particularly influenced by the potential for successful prosecutions or ‘positive outcomes’. This was impacted by perceptions that controlling or coercive behaviour is ‘hard to prove’.<sup>38</sup> The offence of controlling or coercive behaviour is subject to the same [CPS Code for Crown Prosecutors](#), which provides guidance to prosecutors on the general principles to be applied when making decisions about prosecutions, as for any other offence. **If there is uncertainty around whether the controlling or coercive behaviour offence applies in a specific case, the CPS should be consulted.**<sup>39</sup>
59. For the year ending March 2022, 3.7% of controlling or coercive behaviour recorded crimes resulted in a charge,<sup>40</sup> compared to 6.7% for all domestic abuse-related offences.<sup>41</sup> Controlling or coercive behaviour offences were more likely to be assigned an outcome of evidential difficulties (victim does not support action). Over a half (53.9%) of controlling or coercive offences were assigned this outcome, compared to 51.4% of all domestic abuse-related offences.
60. Effective evidence-gathering is crucial to the prosecution case, particularly where the victim decides to withdraw from the case. Investigators should refer to the Joint NPCC and CPS Domestic Abuse Evidence Gathering Checklist.
61. Building trust can help to elicit disclosure and may be appropriate in responding to a victim’s needs, such as through individual risk assessment. Officers should also discuss with the victim, and/or their support worker if they have one, what safety measures the victim may require. Police officers should be aware of the impact of trauma when questioning victims and gathering evidence. Victims may struggle to recall all of the detail of the abuse over the course of a single interview with officers and consideration should be given to a number of sessions. Trauma associated with domestic abuse may involve feelings of isolation, worthlessness and dependency on the perpetrator. It can also include depression, anxiety, post-traumatic stress disorder,<sup>42</sup> and sleeping and eating

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<sup>35</sup> Myhill, A., Johnson, K., McNeill, A., Critchfield, E and Westmarland, N. (2022): ‘A genuine one usually sticks out a mile’: [policing coercive control in England and Wales, Policing and Society](#).

<sup>36</sup> [Domestic abuse prevalence and victim characteristics - Office for National Statistics \(ons.gov.uk\)](#).

<sup>37</sup> [Police recorded crime and outcomes open data tables - GOV.UK \(www.gov.uk\)](#).

<sup>38</sup> [Barlow, C \(2019\) Policing Coercive Control Project Report, The British Academy and Lancaster University Law School, p.2](#).

<sup>39</sup> Service Police and Commanding Officers should refer to the Service Prosecuting Authority (SPA) rather than the CPS.

<sup>40</sup> Home Office (2022). [Police recorded crime and outcomes open data tables - GOV.UK \(www.gov.uk\)](#).

<sup>41</sup> ONS (2022) [Domestic abuse and the criminal justice system - Office for National Statistics \(ons.gov.uk\)](#).

<sup>42</sup> Bacchus, L., Ranganathan, M., Watts, C., Devries, K. [Recent intimate partner violence against women and health: a systematic review and meta-analysis of cohort studies](#). BMJ: 2018; 8; Lagdon, S., Armour, C, Stringer, M., 2014. [Adult experience of mental health outcomes as a result of intimate partner violence victimisation: a systematic review](#). European Journal of Psychotraumatology, 5(1).

disorders.<sup>43</sup> When evidence-gathering, officers should support victims to understand what constitutes evidence.

62. It is important that wider patterns of behaviour and/or offending are considered, including the wider context of the relationship. The restrictive nature of controlling or coercive behaviour means that, in the context of ongoing abuse, victims can be limited in their ability to exercise autonomy. Many have a sense that the perpetrator is everywhere, knows about everything that they are doing and have come to believe the perpetrator's negative view of them. This narrowing of options can lead to a victim's ability to make decisions, act or implement change, being limited.<sup>44</sup> This should inform practice when working with victims of controlling or coercive behaviour, particularly in aiding what questions should be asked.

**63. Rather than only asking 'what happened' to prompt the specific call to police, police officers should ask questions to identify if controlling or coercive behaviour is being perpetrated.** This includes understanding:

- Whether there are any rules, expectations or monitoring that the victim is subject to
- The amount of control that the victim has in the relationship, including on financial decisions and the victim's access to internet and communication devices
- The access that the victim has to essential documents, e.g. passport, child's birth certificates
- The impact that the behaviour has on the victim and any children
- The access that the victim has to family members and friends, or other support
- Evidence of any other abusive behaviours e.g. physical violence or sexual assault

64. This is included as part of the College of Policing's risk assessment tool, the Domestic Abuse Risk Assessment (DARA), which is designed to make it easier for officers to identify controlling or coercive behaviour.

**65. It is also important to ask about past behaviour of the perpetrator, as the victim may not realise that this may have been part of a pattern of abuse.** Many victims experience prolonged abuse before making a report to the police and some will never disclose.<sup>45</sup> It is important to give the victim the space and time to process what has happened to them, away from the perpetrator. This may also make the victim feel safer and more comfortable with providing further details about the abuse, even at a later stage of any investigation. Support services should always be offered.

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<sup>43</sup> Bundock, L., Howard, L. M., Trevillion, K., Malcolm, E., Feder, G., & Oram, S. [Prevalence and risk of experiences of intimate partner violence among people with eating disorders: a systematic review](#). Journal of psychiatric research, 2013: 47(9), 1134–1142.; WHO (2012) [Understanding and addressing violence against women - Health consequences](#).

<sup>44</sup> Kelly, L., Sharp, N., Klein, R (2014) [Finding the costs of freedom: How women and children rebuild their lives after domestic violence](#). Solace Women's Aid.

<sup>45</sup> [Centre for Women's Justice \(2021\) Women Who Kill](#); ONS (2018) [Partner abuse in detail – Appendix tables - Office for National Statistics \(ons.gov.uk\)](#).

Under the [Victims' Code](#), if a victim reports a crime to the police, they have the right to be referred to a service that supports victims within two working days. If the victim chooses not to report the crime, they still have the right to access support services at any time.

66. The [College of Policing guidance on working with victims and witnesses](#) provides guidance for officers to “recognise the individual needs and concerns of witnesses and treat them with dignity and respect”. Please also refer to *Section 5* for further detail on how support and other services can assist.
67. Exploring all potential lines of enquiry to gather evidence on the full extent of a perpetrator's conduct and obtaining a detailed account of this behaviour is crucial. **A victim's statement is key to evidence gathering. Taking a comprehensive account of what happened to the victim, how it impacted them and their children as well as the perpetrator's conduct more generally, is critical to building a case.**
68. **It is vital that statements capture the “serious effect” on the victim, rather than simply a description of the behaviours present.** Police officers can help in ensuring that the overall impact is reflected appropriately by asking the right questions early on. In some cases, if a victim is providing evidence in court which has not been captured in the initial statement, it can be detrimental to their case. Officers should consider the vulnerability of the victim and their ability to provide an accurate statement. Independent advocates and specialist services can support a victim throughout the criminal justice process (Please also refer to *Section 5 – Multi-agency response* for more information on supporting the victim).
69. **Witness statements are also important to support evidence gathering. For example, the family and friends of the victim may be able to give evidence about the effect and/or impact of the perpetrator's behaviour on the victim, such as isolating the victim from the family.** However, a statement is not the only evidence that can be used to support a case. Officers have a duty to investigate controlling or coercive behaviour and proactively gather evidence, even in cases where a witness statement is not possible.
70. **Other examples of the types of evidence that could be used in addition to a victim or witness statement include, but are not limited to:**
- Phone records (whilst ensuring limited disruption, if any, for the victim, ensuring appropriate redaction and not risking further harm);
  - Text messages (whilst ensuring limited disruption, if any, for the victim, ensuring appropriate redaction and not risking further harm);
  - Device logs (whilst ensuring limited disruption, if any, for the victim, ensuring appropriate redaction and not risking further harm);
  - Evidence of abuse over the internet, digital technology (e.g. smart speakers) and social media platforms;
  - Copies of emails;
  - Photographs of injuries such as: defensive injuries to forearms, latent upper arm grabs, scalp bruising, clumps of hair missing;

- Photographs of damage to property such as broken doors, holes in plasterboard, doors pulled from cupboards or signs of forced entry into rooms;
- 999 tapes or transcripts;
- CCTV and home video footage – e.g. smart doorbells;
- Body Worn Video (BWV) footage;
- Lifestyle and household including at scene photographic evidence – e.g. the things that they usually do, where they live, who they interact with, how they spend their money;
- Records of interaction with services such as support services (even if parts of those records relate to events which occurred before the new offence came into force, their contents may still, in certain circumstances, be relied on in evidence);
- Medical records;
- Bank records to show financial control;
- Previous threats made to children or other family members;
- Suicide threats from the perpetrator – e.g. via text, email, or postings on social media or multi-media sites;
- Abusive postings on public platforms, including social media Diary kept by the victim;
- Evidence of isolation such as lack of contact between family and friends, victim withdrawing from activities such as clubs, perpetrator accompanying victim to medical appointments;
- GPS tracking devices installed covertly and/or overtly on mobile phones, tablets, vehicles etc.;
- Where the perpetrator has a carer responsibility, the care plan might be useful as it details what funds should be used for – e.g. caring for a child, caring for a parent or a sibling.
- Evidence of protection orders

71. The Extraction of Information powers in the Police, Crime, Sentencing and Courts Act 2022 (the 2022 Act) will ensure there is a consistent approach to requesting information from phones and other electronic devices. The powers in the 2022 Act can be used where a device user, or in the case of a child or an adult without capacity, someone acting on their behalf, volunteers a device and agrees to the extraction of information from it (except in specific circumstances where a person is missing, is a child or an at-risk adult who may be at risk of harm or is deceased).

72. Clear guidance for authorised persons on the use of the powers is provided in a new statutory code of practice.<sup>46</sup> The code includes guidance on the use of these powers, particularly where a person is vulnerable, which may include those who have been a victim of domestic abuse.<sup>47</sup>

<sup>46</sup> [Extraction of Information from electronic devices: code of practice \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/103112/codp-2022-01-20.pdf).

<sup>47</sup> The powers can only be used where there is reasonable belief that information stored on the device relates to a reasonable line of enquiry, where the request is necessary and proportionate and where there are no other means of obtaining the required information, or if there are other means, it is not reasonably practicable to use them. A person can only be said to have volunteered a device and given agreement for information to be extracted from it if the following requirements are met:

73. Perpetrators may attempt to prevent evidence trails, for example, by deleting messages/photographs or coercing victims into sharing their passwords or devices. Officers should ensure that there is not an overreliance on this type of evidence.

74. Controlling or coercive behaviour is an ongoing pattern of offending rather than separate isolated incidents. This means that whilst there may not be enough evidence to charge the offence when initially reported, as time goes on and the behaviour continues, more evidence can be gathered. CPS guidance states that even where there is not enough evidence to charge a specific case, prosecutors should ask police officers to advise the victim to take steps to gather records to support any future investigation.

75. **Examples of records gathered might include:**

- A diary of events (ideally in a bound book, and/or by keeping an electronic record to record dates/times), noting that there are potential risks to the victim if the perpetrator were to discover this;
- Safely noting details of witnesses who may have observed or heard these events;
- Storing messages or recording calls made by the perpetrator;
- Safely speaking to neighbours, colleagues, employer, family, friends or specialist support services.

Further examples of evidence can be also found in the section on *Investigative Development* in the [College of Policing's Authorised Professional Practice for Domestic Abuse](#).

76. **Before asking a victim to gather records, police officers should be mindful that if a victim still lives with the perpetrator or continues to have direct or indirect contact with them or the perpetrator's family or friends, keeping such records may put the victim at risk if the perpetrator discovers the victim's record keeping.** Police officers should also be mindful that the perpetrator may also be aware that police may rely on such evidence and therefore may make it impossible for the victim to keep such records.

77. Agencies, including the police, should consider ways in which the victim can safely keep records of what is happening to them. This could include: keeping text messages or sending them on to a friend for safekeeping; taking screenshots of emails and social media messages; and keeping a diary. **However, it is important to remember that victim safety is paramount and it is the job of the police to build the case on behalf of the victim, and not the role of the victim to build the case for the police.** Specialist domestic abuse

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- that an authorised person (such as a police officer) must not have placed any undue pressure on a person to volunteer the device and give agreement, and that the authorised person must provide the person giving agreement a notice in writing which
  - Specifies or describes the information that is sought;
  - Specifies the reason why the information is sought, (the reasonable line of enquiry);
  - Specifies how the information will be dealt with once it has been extracted;
  - States that that the person being asked to give agreement may refuse to provide the device or agree to the extraction of information from it; and
  - that refusal does not automatically bring about the end of the inquiry or investigation.

support services, as outlined in **Annex G**, can support victims and professionals with practical advice on how to record and retain evidence safely.

78. Victims may benefit from having their testimony recorded to enable them to give their best evidence in court. To note, the 2021 Act provided that all domestic abuse victims will automatically be eligible for assistance when participating or giving evidence in family, civil or criminal proceedings. This could enable them, for example, to give their evidence from behind a screen, or via a video link, if these are available, or any other special measures if applicable.
79. The CPS require sufficient evidence to authorise any charge. However, even if a charge cannot be authorised, there are protective measures that the police can advise on, including safety measures at home and protective orders. Further information on these orders can be found in *Section 4* of this guidance.
80. Sometimes victims will ask the police not to proceed with the case and state that they no longer wish to give evidence. Victims may withdraw from a prosecution for many reasons and no assumptions should be made when this happens. It also does not mean that no further action should be taken. The [CPS Domestic Abuse Legal Guidance](#) states that the police should provide a statement for the prosecutor following contact with the victim to explain the reasons that a retraction of the allegation/withdrawal of support has been made. Without this there cannot be an informed decision about the next steps to be taken. With any case and any reason given, it is important that prosecutors ascertain why a victim has retracted their allegation or withdrawn their support from the case, and the risks and impacts posed to any children and/or any dependants, before deciding what action to take.
81. A police officer's report may reveal the need to consider whether further charges, for example, witness intimidation, harassment or stalking should be brought, or whether there has been a breach of the perpetrator's bail conditions. Where a victim's account of an allegation in their withdrawal statement is not the same, or is not consistent with an earlier statement, there is a possibility that the victim may have been pressurised into changing their account. In these circumstances, the police should be asked to investigate changes and whether a further investigation into the circumstances is required.
82. There can be many possible reasons why a victim of domestic abuse may no longer support a case and it is essential not to blame the victim as this could dissuade future reporting.<sup>48</sup> **Reasons that a victim may no longer support a case can include, but are not limited to:**
- fear of other offences being committed, or risk of further harm (both in person and through technology);
  - fear of coming face to face with the perpetrator in court;
  - threats and/or pressure from the perpetrator, the perpetrator's family or associates;
  - threats and/or pressure from the victim's family or associates (for example, in cases of 'honour'-based abuse)

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<sup>48</sup> [CPS Legal Guidance: Domestic abuse.](#)

- a wish to be reconciled with the perpetrator, if not already reconciled, or a wish to return to the family, if estranged;
- the victim is no longer in a relationship with the perpetrator or does not want to re-live the incident;
- a fear that children will be removed and placed into care, or not wanting to be perceived as 'being difficult' if children or other dependants are involved;
- continuing with a prosecution may cause the victim to feel that they are responsible for the perpetrator getting a criminal record (for example, in cases of child to parent abuse);
- embarrassment at reporting the complaint (as a result of the victim's or perpetrator's background, or for example, in cases of child to parent abuse);
- time, capacity or support to engage in the process;
- previous negative experience or lack of trust in the criminal justice system (e.g.: cases being discontinued, delays to the process, feeling retraumatised by the process); and
- fear of impact on the victim's immigration status (e.g. if their status is dependent on the perpetrator).<sup>49</sup>

Please refer to Annex E for further examples of reasons for retractions and withdrawals by victims. For further information, please also refer to:

- the [CPS Domestic Abuse Legal Guidance](#) on withdrawals and retractions; and
- the legal guidance section on [Avoiding the criminalisation of a complainant](#) for further advice for prosecutors.

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<sup>49</sup> [CPS Legal Guidance: Domestic abuse \[examples have been added outside of those included on the CPS list\]](#).

## Perpetrator tactics

83. There is never any justification for perpetrating domestic abuse and although the perpetrator and others may blame the victim for their behaviour, it is never the victim's fault. Whilst some perpetrators do not recognise that their behaviour constitutes domestic abuse, all perpetrators are responsible for their behaviour and should be held accountable.

84. **A perpetrator may manipulate the victim or those around them to make the abuse less visible or undetectable altogether. Perpetrators may also be particularly adept at manipulating professionals, agencies and systems, and may use a range of tactics to maintain contact with, and control over the victim.** Perpetrators may also seek to minimise allegations, normalise the behaviour and discredit or undermine the victim's account or credibility. These may include, but are not limited to, the following:

### Threats and intimidation

- Threats of violence or threats to kill;
- Threats to breach court orders;
- Using threats in order to manipulate the victim e.g. by telling the victim that they will not be believed by the police or other agencies, that they will inform social services, and/or that their children will be taken away;
- Threatening to remove care or not undertake caring responsibilities where the victim is reliant on this, threatening the victim around the withdrawal of medicines;
- Using others (e.g. family, friends, peers) to communicate threats from the perpetrator and/or report back to the perpetrator; and
- Telling the victim that they will not be believed because they have mental health issues, learning difficulties or disabilities, or issues with substance abuse.

### Manipulation

- Making false or vexatious allegations against victims and/or convincing professionals that their controlling tactics are for the victim's own safety and/or for the safety of their children. The police should examine whether this has been a feature in the perpetrator's previous relationships by discussing with the victim or accessing police callouts or relevant criminal records held on the perpetrator;<sup>50</sup>
- Threatening to 'out' the victim as a form of control or coercion, telling the victim that they will not be believed because they identify as lesbian, gay, bisexual and/or trans, or manipulating the victim's knowledge of what support is available for LGBT people and using myths and stereotypes around LGBT domestic abuse to make professionals believe that abuse between same-sex couples does not exist;
- Disguising compliance e.g. interpreting the conditions of a court order that enables them to continue to abuse rather than comply with the terms set out in the order;

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<sup>50</sup> Police should make appropriate use of the [Domestic Violence Disclosure Scheme](#) (DVDS), including on the "right to know", where necessary to protect a victim from harm. Updated DVDS guidance was published on 20 February 2023.

- Playing different professionals off against one another;
- Exaggerating their abilities and network e.g. the perpetrator claims to be able to hack into the victim's phone or accounts, or claims to have criminal friends who could harm the victim;
- Manipulating the victim's immigration status as a form of control or coercion, including withholding ID, passports and visas from the victim, lying about their status, purposely letting a victim's visa lapse, or failing to act on sponsorship duties for immigration purposes;
- Making threats of suicide as a method of controlling the victim, especially to prevent them from leaving. Research indicates an association between domestic homicide and perpetrator suicidal ideation, self-harm, and threats of suicide.<sup>51</sup> An examination of Thames Valley Police records found that those who committed serious domestic assault were nearly three times more likely to be suicidal than other violent offenders;<sup>52</sup> and
- Using children to control or coerce the victim e.g. frustrating child contact and/or child arrangements, telling the children to call the victim derogatory names or to hit the victim, expecting the children to monitor the victim and report back, repeatedly failing to collect the children when they previously agreed to do so to cause the victim problems at work, threatening to abduct the children, weaponising children in family law proceedings.

Guidance published by the College of Policing on Arrest and other positive approaches states that “a manipulative perpetrator may be trying to draw the police into colluding with their control and coercion over the victim; police officers must avoid playing into the primary perpetrator's hands and take account of all available evidence when making the decision to arrest”.

### Exploitation

- Exploiting the communication support needs of the victim or manipulating the victim's knowledge of what support is available and making professionals believe that the victim does not have capacity to report accurately, or that reports are not credible due to communication difficulties;
- Exploiting interpretations of religion or faith to maintain control of a victim and perpetuate harm; and
- Targeting people who might be vulnerable (there may be evidence of this from previous relationships).<sup>53</sup>

<sup>51</sup> See Bridger, E., Strang, H., Parkinson, J., & Sherman, L. (2017) [Intimate Partner Homicide in England and Wales 2011–2013: Pathways to Prediction from Multi-agency Domestic Homicide Reviews](#). Cambridge Journal of Evidence-Based Policing, 1(2-3): 93-104; Button, I.M., Angel, C., & Sherman, L.W. (2017) [Predicting Domestic Homicide and Serious Violence in Leicestershire with Intelligence Records of Suicidal Ideation or Self-Harm Warnings: A Retrospective Analysis](#). Cambridge Journal of Evidence-Based Policing, 1: 105-115; Home Office, Vulnerability and Knowledge Programme, NPCC, College of Policing (2021) [Vulnerability Knowledge and Practice Programme \(VKPP\): Domestic Homicides and Suspected Victim Suicides During the Covid-19 Pandemic 2020-2021, p.55](#).

<sup>52</sup> Thornton, S. (2017) [Police Attempts to Predict Domestic Murder and Serious Assaults: Is Early Warning Possible Yet?](#) Cambridge Journal of Evidence-Based Policing, 1(2-3): 64–80.

<sup>53</sup> [Toolkit for Prosecutors on Violence Against Women and Girls Cases Involving a Vulnerable Victim \(cps.gov.uk\)](#): Vulnerabilities can describe the particular circumstances of a person, or a group, which might need to be addressed in order to ensure full and equal recourse from the criminal justice system. It also applies to people who are at risk as a result of conditions, environmental or personal, which compromise their safety or security.

### Sabotage

- Attempting to frustrate or interfere with a police investigation, including attempting to undermine the victim's statements by, for example, claiming that they are mentally ill;
- Seeking to control the victim's finances, or their ability to access funds or obtain an income;
- Interfering with the victims personal or professional opportunities, e.g. threatening to call their employer and turn up at their place of work;
- Breaking or adjusting devices or account settings to confuse, upset and intimidate the victim e.g. remotely adjusting the heating temperature through an internet-connected thermostat;
- Using the courts to continue to abuse the victim, for example by not turning up to court dates, sending unnecessary legal letters and making threats around contact; and
- Missing or cancelling appointments.

Further information on perpetrators can be found in Chapter 3 of the [Domestic Abuse Statutory Guidance](#).

#### **Case Study – David**

David, who was in a relationship with Harry, had recently started a new job and through this, made a new group of friends. David started spending more time with this new group of friends and regularly went out clubbing with them. Harry started to question David about why he was spending so much time with these friends, when he already had a boyfriend and accused him of cheating. When David denied this, Harry hit him across the face. Harry justified his behaviour claiming that when partners are the same sex, it is not uncommon for arguments to get physical but that he would never intentionally hurt David.

David thought about this and realised everything he had seen about abuse was focused on heterosexual couples. David felt less able to challenge Harry as he felt he knew more about LGBT relationships than David.

When David tried to challenge Harry, Harry threatened to tell David's friends what he was "really like" if he tried to end their relationship. Harry also said he would tell David's family about this alleged cheating. David felt completely controlled by Harry and when he disagreed with him, Harry would become violent and further threaten his relationships with friends and family.

David used an online webchat service to speak to a domestic abuse advisor who informed him that this behaviour was unacceptable in LGBT relationships, in the same way it is unacceptable in heterosexual relationships. They also told David about his options for seeking further support, and practical advice on how he could end the relationship in the safest way possible should he wish to, as well as how to report this behaviour to the police. Harry was later charged with controlling or coercive behaviour.

## Potential of proceeding with a prosecution without the victim's live evidence (evidence-led prosecutions)

85. CPS legal guidance confirms that the prosecution strategy should, from the outset, consider the possibility of proceeding without the victim's support. In these instances, consideration should be given to the evidence in the case and whether there is enough to proceed without the victim's live evidence.

### 86. Prosecutors should consider:

- Using evidence other than that of the victim, including admissions in interview, CCTV, 999 recordings, Body Worn Video (BWV) footage, social media evidence or other witnesses;
- *Res gestae* - statements made by the victim or a witness to a third party, during or shortly after the time that the offence was committed, that are directly linked to the events occurring, so as to make it unlikely that they were distorted or concocted, may be admissible as hearsay evidence;
- Other hearsay - utilising the [Criminal Justice Act 2003](#) to admit an absent victim's statement in evidence if there is evidence that the victim is in fear or if it is in the interests of justice to do so.

87. Under the [Victims' Code](#), the police must offer a victim of domestic abuse the opportunity to make a victim personal statement (VPS), even if they have not given any other witness statement.

Please also refer to:

- the [CPS Domestic Abuse Guidance](#);
- [the CPS guidance on Controlling or Coercive Behaviour in an Intimate or Family Relationship](#);
- [the CPS guidance on Stalking and Harassment](#); and
- the [College of Policing Authorised Professional Practice \(APP\) on Investigating Domestic Abuse](#) for more information on evidence-led prosecutions.
- the [Armed Forces Code of Practice for the Victims of Crime](#) (for service police and commanding officers).

## Considering other offences

88. **Good intelligence and record keeping will be important in ensuring that evidence is documented and kept in relation to a course of conduct that may amount to controlling or coercive behaviour.** This includes reports made by the victim. If historic offences are disclosed, they should be logged in line with National Crime Recording Standards and flagged appropriately as domestic abuse.
89. **It may also be possible to charge for multiple offences.** For example, a person could be charged with common assault or rape and controlling or coercive behaviour. The CPS will be able to advise on what combination of charges are most appropriate, **but it is important to remember that the presence of controlling or coercive behaviour does not mean that no other offence has been committed or cannot be charged.**
90. “Summary only”<sup>54</sup> offences, such as common assault, can only be heard in the magistrates’ court and currently have a six-month time limit (after the offence occurred) to prosecute. Section 49 of the [Police, Crime, Sentencing and Courts Act 2022](#), however, amended the law meaning that victims of domestic abuse will be allowed more time to report incidents of common assault or battery against them.<sup>55</sup> Previously, prosecutions must have been commenced within six months of the offence but this requirement is now six months from the date the incident is formally reported to the police, with an overall time limit of two years from the offence to bring a prosecution.<sup>56</sup> This gives victims more time in which to seek justice given that domestic abuse is often reported late relative to other crimes.
91. It is important to consider the wider context around an assault, or other relevant summary offences, and whether this forms part of a wider pattern of abuse that may also involve controlling or coercive behaviour. It should also be noted that the controlling or coercive behaviour offence is not subject to prosecution time limits as it is an “either way”<sup>57</sup> offence, which can be heard in either a magistrates’ court or the Crown Court.
92. **The offence of controlling or coercive behaviour does not have retrospective effect, and nor will the amendment to the offence (to remove the “living together” requirement for ex-partners and family members) when it comes into effect in early 2023.** This means that charges cannot be brought in relation to behaviour(s) that occurred before the date the offence came into force in cases of post-separation controlling or coercive behaviour. However, behaviour that occurred before implementation of the offence, including the extended offence, may still be cited as evidence of bad character or stalking and any evidence relating to it should be passed to the CPS who can consider making an application to the court.<sup>58</sup>

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<sup>54</sup> [Health and Safety Executive – Court Stage: Overview.](#)

<sup>55</sup> [Police, Crime, Sentencing and Courts Act 2022 \(legislation.gov.uk\).](#)

<sup>56</sup> Gov.uk (2022) [Domestic abuse victims in England and Wales to be given more time to report assaults.](#)

<sup>57</sup> [Health and Safety Executive – Court Stage: Overview.](#)

<sup>58</sup> Service Police and Commanding Officers should refer to the Service Prosecuting Authority (SPA) rather than the CPS.

**93. There may be instances where it might be appropriate to consider a charge for the offence of harassment or stalking rather than controlling or coercive behaviour. Please refer to “Harassment and Stalking” in Section 6 of this guidance for more information.**

Further documents to refer to:

- [Authorised Professional Practice on Domestic Abuse](#)
- [Authorised Professional Practice First Response Checklist](#)
- [Joint NPCC and CPS Evidence Gathering Checklist](#)
- [CPS Domestic Abuse Guidelines for Prosecutors](#)
- [CPS Charging Guidance 2020](#)
- [CPS Stalking and Harassment Guidance](#)
- [DASH Risk Checklist Form and Guidance](#)
- [College of Policing Guidance on Understanding risk and vulnerability in the context of domestic abuse](#)

## Where the offence does not apply

94. There are circumstances where acts of controlling or coercive behaviour may have taken place, but it is not possible for the offence to be charged. The offence does not apply where:

- The victim and the perpetrator were not “personally connected” at the time the behaviour occurred (see **Annex C** for the full definition of “personally connected”). In such circumstances it should be considered whether a course of conduct can be evidenced with a view to bringing charges under existing harassment or stalking legislation, i.e. the Protection from Harassment Act 1997. If there are threats of violence but the victim and perpetrator are not personally connected, other offences should be considered such as Threats to Kill<sup>59</sup> or Common Assault, where the perpetrator “recklessly causes another to suffer or apprehend immediate unlawful violence”.<sup>60</sup>
- The behaviour in question is perpetrated against a child under 16 by someone aged 16 or over who has responsibility for that child (see subsection (3)). This is because the criminal law, in particular the child cruelty/neglect offence in Section 1 of the [Children and Young Persons Act 1933](#),<sup>61</sup> covers controlling or coercive behaviour, making it an offence to cause a child emotional or psychological suffering, including through exposure to domestic abuse. It should also be noted that Section 3 of the 2021 Act recognises that domestic abuse can impact on a child who sees, hears, or experiences the effects of the abuse and it treats such children as victims of domestic abuse in their own right, where they are related to either the victim or perpetrator.
- The behaviour is not taking place repeatedly or continuously, for example, it was an isolated incident.
- The behaviour does not have a “serious effect” on the victim as defined by the law.

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<sup>59</sup> A person who, without lawful excuse, makes to another a threat, intending that that other would fear it would be carried out, to kill that other or a third person shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding ten years.

<sup>60</sup> CPS (2020) [Offences against the Person, incorporating the Charging Standard](#).

<sup>61</sup> As amended by Section 66, Serious Crime Act 2015.

## Section 3 – The defence

95. Subsections (8) to (10) of Section 76 of the Serious Crime Act 2015 provide for a defence where the defendant believes he or she was acting in the best interests of the victim, and that the behaviour was in all the circumstances reasonable.

96. A defendant would not be able to rely on the defence:

- if they have caused another person to fear that violence could be used against them; and/or
- where a reasonable person with access to the same information did not believe their behaviour was reasonable, even if the defendant may have genuinely believed it to be. For example, it is not just a question of person A saying, “I think it was in person B’s best interests”. There is an objective element to the defence that allows a magistrates’ court or a Crown Court jury to reject the defence submitted where they find that the defendant’s behaviour is unreasonable.

97. Consideration should be given to how a perpetrator may manipulate a situation in an attempt to present their behaviour as reasonable, particularly by suggesting that the victim is unable to make their own decisions due to their mental health, age, disability or lack of capacity. Capacity may be impaired, for example, for those with a severe learning disability, brain injury, a mental health illness, a stroke, or unconsciousness caused by an anaesthetic or sudden accident.<sup>62</sup>

**A lack of capacity cannot be established merely by reference to:**

- a person’s age or appearance, or
- a condition or an aspect of their behaviour, which might lead others to make unjustified assumptions about their capacity.<sup>63</sup>

98. It is important to note that someone may lack capacity to make some decisions (for example, to decide on complex financial issues), but still have the capacity to make other decisions (for example, to decide what items to buy at the local shop). **The Mental Capacity Act 2005 states that:**

- assume a person has the capacity to make a decision themselves, unless it’s proved otherwise;
- wherever possible, help people to make their own decisions;
- do not treat a person as lacking the capacity to make a decision just because they make an unwise decision;
- if you make a decision for someone who does not have capacity, it must be in their best interests; and
- treatment and care provided to someone who lacks capacity should be the least restrictive of their basic rights and freedoms.

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<sup>62</sup> [Mental Capacity Act - NHS \(www.nhs.uk\)](http://www.nhs.uk).

<sup>63</sup> [Mental capacity | College of Policing.](#)

99. People have the right to make decisions that others might regard as unwise and cannot be treated as someone lacking capacity, or someone who cannot make their own decisions for this reason. Everyone has their own values, beliefs and preferences which may not be the same as those of other people.<sup>64</sup> If the defence of acting in someone's best interests is put forward, further investigation is needed, which can include engaging with any professionals involved in an individual's care and, if professionals are not involved, considering why this may not be the case.

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<sup>64</sup> [Mental Capacity Act 2005 at a glance | SCIE](#).

## Section 4 – Criminal penalties and protection orders

100. Controlling or coercive behaviour is a serious criminal offence and has a maximum penalty of five years' imprisonment and/or an unlimited fine.
101. The independent Sentencing Council, which develops sentencing guidelines for courts, has issued a guideline on controlling or coercive behaviour which can be found [here](#). This provides guidance on factors the court must take into account that may affect the sentence and sets out different levels of sentence, within the maximum penalty, based on the harm caused to the victim and the culpability of the offender.
102. The Domestic Abuse Act 2021 legislated for a new civil [Domestic Abuse Protection Notice](#) (DAPN) to provide immediate protection following a domestic abuse incident, and a new civil Domestic Abuse Protection Order (DAPO) to provide flexible, longer-term protection for victims from all forms of domestic abuse. **DAPNs and DAPOs will be piloted in selected areas in England and Wales before an expected national roll-out when they will replace the Domestic Violence Protection Notices (DVPNs) and Domestic Violence Protection Orders (DVPOS) nationally.** DVPNs and DVPOs are due to be repealed in piloting areas from the start of the pilot.
103. DAPOs will be available in the criminal, family and civil courts. Applications can be made by the police in the magistrates' courts, or to the family court by the victim, or any other party with the permission of the court. Criminal, family, and civil courts will also be enabled to make a DAPO during ongoing court proceedings, which do not have to be domestic abuse related.
104. DAPOs will be able to impose both prohibitions and positive requirements on a person subject to an order "P". Prohibitions could include restricting P from coming within a specified distance of the victim's home and/or any other specified premises, such as the victim's workplace. Positive requirements would require P to take an action such as attend a behaviour change programme. They could also impose electronic monitoring ('tagging') in order to monitor compliance with other requirements. All DAPOs will also impose mandatory notification requirements to the police of the name and address of the person subject to the order. Courts will be able to vary the requirements imposed in response to changes in P's behaviour and the risks they pose. A DAPO will not have a minimum or maximum duration, allowing victims to obtain the protection they require for as long as needed.
105. Breach of a DAPO will be a criminal offence, carrying a maximum penalty of up to five years' imprisonment, or a fine, or both. The contempt of court route for victims who wish to pursue breach in the civil courts will also be preserved.

**Other protective notices, orders and schemes include:**

- Restraining Orders ([CPS Restraining Orders Legal Guidance](#));
- Stalking Protection Orders ([Home Office Stalking Protection Orders Statutory Guidance](#));
- Forced Marriage Protection Orders ([HM Courts and Tribunals Service Forced Marriage Orders Guidance](#));
- FGM Protection Orders ([HM Courts and Tribunals Service FGM Protection Orders Guidance](#));
- Non-Molestation Orders and Occupation Orders ([College of Policing Non-molestations orders current practice](#)); and
- Sexual Risk Orders, Sexual Harm Prevention Orders and Notification Orders ([CPS Guidance Sexual Harm Prevention Orders](#))
- Domestic Violence Disclosure Scheme ([Domestic violence disclosure scheme: guidance - GOV.UK \(www.gov.uk\)](#))

106. When attending call-outs or when victims report offences, police officers should offer victims of domestic abuse guidance on the types of protective orders available to them. **For information on the range of protective orders available, please refer to Chapter 6 and Annex D – Table of Protective Orders of the [Domestic Abuse Statutory Guidance](#).**

## Section 5 – Multi-agency response

### How specialist domestic abuse services can assist

107. Specialist domestic abuse services' primary aim is to support the victim with emotional and practical support identified based on individual risks and needs. This may include supporting the victim to engage with the criminal justice process. Providing specialist support can assist in enabling the victim to feel safe and empowered to continue with criminal proceedings, which may prevent the victim from withdrawing from a case.
108. It is also important to recognise that victims may be contacting the police to seek support and safety, rather than exclusively to prosecute the perpetrator. Data suggests that high-risk victims live with domestic abuse for four years before accessing a support service<sup>65</sup>, and that controlling or coercive behaviour is identified in 65% of Domestic Homicide Review cases.<sup>66</sup> **In considering how best to support the victim and their children, it is vital that agencies work together to manage risk and maximise the opportunity for the victim and their children to rebuild their lives. Furthermore, for an effective response to tackle domestic abuse, it is vital that every statutory and voluntary service plays their part in the Coordinated Community Response (CCR), working together to keep victims safe, prevent harm, and tackle perpetrators' behaviour.**<sup>67</sup>
109. The police should follow their local protocols and guidance, including risk assessment procedures, and make referrals to specialist support services (**see Annex G**) including helplines, specialist advocacy and domestic abuse services, and Independent Domestic Violence Advocates (IDVAs) where required. Referrals should be offered regardless of whether the victim supports police action. **Examples of specialist domestic abuse support with the criminal justice process can include:**
- Advocating on the victim's behalf to the police;
  - Ensuring that the victim is kept informed at each stage of the prosecution process;
  - Working with prosecutors to support the victim;
  - Making contact with witness care services at the court to ensure that they are aware of any victim needs and to determine what support they can offer;
  - Advising the victim of what special measures are available such as screens, video-link and separate entrances; and
  - Attending court with the victim for emotional support.
110. Agencies should also be aware that IDVAs and other domestic abuse support services can support victims outside of the criminal justice system, such as safety planning, advocating for victims with other statutory agencies to help them access housing and mental health services, and providing emotional support.

<sup>65</sup> SafeLives. 2022. [Insights Outreach dataset 2021-2022: Adult Outreach Services.](#)

<sup>66</sup> [Key findings from analysis of domestic homicide reviews - GOV.UK \(www.gov.uk\).](#)

<sup>67</sup> [Coordinated Community Response \(CCR\) - A CCR brings services together to ensure local systems truly keep survivors safe, hold abusers to account and prevent domestic abuse.](#)

Agencies should keep up to date with what services are available in their local area.

111. There is also specialist support to help perpetrators to change their behaviour. Information can be obtained from [Respect](#) or other local programmes. A referral or self-referral to a perpetrator programme should only be made in conjunction with specialist advisers and following an appropriate risk assessment, safety planning and protective measures.
112. The Government has developed a [set of overarching national standards and principles for domestic abuse perpetrator interventions](#). These provide a framework for commissioners to help determine the quality of perpetrator interventions, particularly on safeguarding and victim and survivor safety. Organisations have also developed quality standards for services working with victims and perpetrators of domestic abuse.<sup>68,69</sup> For example, the Respect Standard is nationally recognised and sets out an evidence-based, safety-focused framework which identifies good practice and offers guidance for organisations to ensure that they are meeting the needs of service users safely and effectively, with the safety of victims, including children, at its heart.<sup>70</sup>
113. See **Annex G** for support services for perpetrators and refer to Chapter 6 of the [Domestic Abuse Statutory Guidance](#) for further information on perpetrator programmes.

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<sup>68</sup> [National standards 2019 \(edited 2021\) \(womensaid.org.uk\)](#).

<sup>69</sup> [Commissioners Pack Single Parts.indd \(womensaid.org.uk\)](#).

<sup>70</sup> [Respect Standard: Accreditation for work with perpetrators of domestic abuse](#); in Wales, refer also to the VAWDASV Perpetrator Service Standards.

## How other services and agencies can assist

114. There are a range of agencies and support services that may hold information that could provide relevant evidence that would assist in building a case. For example: case notes from health services, including mental health, drug and alcohol services, local authority social care services, housing services, financial services or the family court system.<sup>71</sup> However, engaging with support services can be a vital step towards recovery and victims should feel confident in doing so. Therefore, any use of a victim's case notes, or any other personal data to build a case, should be approached sensitively and with the victim's consent.
115. **To facilitate safeguarding and supporting the victim, where appropriate the police should also share relevant information with other agencies, such as through referral to multi-agency risk assessment conferences (MARACs). For further information on MARACs, please refer to Chapter 7 of the [Domestic Abuse Statutory Guidance](#).**
116. **It is important to remember that Section 3 of the 2021 Act recognises children as victims of domestic abuse in their own right if they see, hear, or experience the effects of the abuse, and are related to either the victim or perpetrator.** The police, alongside other agencies such as schools and social care, can play an important role in identifying children who need help and protection as a result of domestic abuse, and ensuring that they get the support they need.
117. For example, Operation Encompass is an innovative scheme that facilitates schools and police working together to provide emotional and practical support to children affected by domestic abuse. When officers have attended a domestic abuse incident, police share the information with a school's trained Designated Safeguarding Lead (DSL) before the start of the next school day, so that appropriate support can be given at the earliest possible opportunity.
118. The statutory guidance document [Working Together to Safeguard Children](#) (2018) sets out what professionals and organisations need to do, individually and in partnership with other agencies, to safeguard and promote the welfare of children and young people (up to 18 years). The Children and Social Work Act 2017 places a shared and equal duty on the three safeguarding partners (the local authority chief executive, the accountable officer of an ICB and a chief officer of police) to make arrangements to work together, and with other partners locally, to safeguard and promote the welfare of all children in their area.
119. In Wales, statutory safeguarding responsibilities are set out in the guidance [Working Together to Safeguard People, Volume 5: Handling individual cases to protect children at risk](#) and [Working Together to Safeguard People, Volume 6: Handling individual cases to protect adults at risk](#).

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<sup>71</sup> Due regard must be given to any data protection requirements, including the [Data Protection Act 2018](#), when sharing information, (whilst noting the provisions within the 2018 Act applicable for the purpose of preventing and detecting crime, and the apprehension and prosecution of offenders). Further guidance can be found in the Information Commissioner's Office [Guide to Law Enforcement Processing | ICO](#).

120. The Wales Safeguarding Procedures help practitioners apply the Social Services and Wellbeing (Wales) Act 2014 and statutory guidance, across agencies.<sup>72</sup> The National Training Framework places statutory requirements for training across public services and specialist third sector in relation to Violence Against Women, Domestic Abuse and Sexual Violence in Wales. Further information can be found [here](#).

121. **For further information on safeguarding responsibilities, including for children and multi-agency working**, please refer to Chapter 4 of the [Domestic Abuse Statutory Guidance](#). Police should also refer to their local protocols for safeguarding adults and children and the College of Policing guidance [Introduction to authorised professional practice on domestic abuse](#).

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<sup>72</sup> [Wales Safeguarding Procedures \(safeguarding.wales\)](#).

## Section 6 – Post-separation abuse, related harms, offences and other forms of domestic abuse

### Post-separation abuse

122. Controlling or coercive behaviour can continue long after the end of the relationship. The related harms, offences and other forms of domestic abuse detailed in this section should also be considered in the context of post-separation abuse. The post-separation period carries a high risk of violence for victims, including children. In a review of domestic homicides and victim suicides between April 2021 to March 2022, the relationship had recently ended, or there was threat of it ending, prior to the homicide in 19% of intimate partner case submissions.<sup>73</sup>

123. Post-separation abuse may involve a range of abusive behaviour that continues or starts despite the relationship having ended. Without effective intervention it can be ongoing and may escalate. The tactics employed by perpetrators when relationships end are designed to undermine a victim's capacity to transition into safe and settled lives. Post-separation abuse can pervade all aspects of a victim's life including their family relationships, employment, economic stability, and online presence. Post-separation abuse can include forms of abuse that do not require physical proximity, such as economic abuse and technology-facilitated abuse.

124. Perpetrators of domestic abuse may also target and undermine parents' relationships with their children, using power and control dynamics, for example making vexatious applications to the family court to prolong proceedings and using child arrangements and child maintenance to control the victim. The Ministry of Justice published an expert panel report 'Assessing Risk of Harm to Children and Parents in Private Law Children Cases' which also presented evidence that perpetrators sometimes used family court proceedings as a means of continuing their abuse.<sup>74</sup> In the Government's [Implementation Plan](#), a commitment was made to explore how the law could be clarified in respect of orders made under Section 91(14) of the Children Act 1989 ('the 1989 Act') in domestic abuse circumstances.

125. An order under Section 91(14) of the 1989 Act (also known as a barring order) can be made by the court to require individuals to seek permission before they can apply again for particular orders.

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<sup>73</sup> Domestic Homicide Report 2022 | [Vulnerability Knowledge and Practice Programme \(vkpp.org.uk\)](#). The report draws on the following sets of data gathered for the project: case submissions from police relating to 250 incidents; Home Office Homicide Index data covering the period of 2005/06 to 2019/20; a written survey of English and Welsh police forces; and in-depth one-to-one interviews with five force domestic abuse leads from across the English and Welsh regions.

<sup>74</sup> The 2020 Ministry of Justice report [Assessing Risk of Harm to Children and Parents in Private Law Children Cases](#) raised concerns about the experience of domestic abuse victims, including children in the family proceedings. The expert panel (the 'Harm Panel') considered over 1,200 submissions from individuals and organisations across England and Wales, together with roundtables and focus groups held with professionals, parents and children with experience of the family courts.

126. Section 67 makes clear that Section 91 (14) orders can be made by the court when it is satisfied that the making of a further application for an order under that Act would put the child concerned, or another individual, at risk of harm.

127. For further detail on domestic abuse and the family court, please see Chapter 3 “Recognising Domestic Abuse” and Chapter 6 “Agency Response to Domestic Abuse” of the [Domestic Abuse Statutory Guidance](#).

### **Case Study – Laura**

After a decade of marriage and three children, Darren continued to harass Laura after their separation and subsequent divorce. The harassment got increasingly worse so Laura got a non-molestation order against Darren. When Darren breached the order, he was arrested and told a harassment warning could be issued against him. Laura also complained to the police about the economic abuse she experienced after separating but found that the police took no further action as they lacked the powers at the time.

Darren made false allegations about Laura’s income, so she regularly had to prove her expenditure relating to wages, childcare etc. Darren had taken credit cards out in Laura’s name and home address after he had left. All her payments were stopped for several months, before being reinstated and backdated. Darren made false child abuse allegations to social services and the police causing Laura to be interviewed by police under caution. This could have a significant impact on Laura’s career given that she works with vulnerable children and she feared it would affect any Disclosure and Barring Service (DBS) results restricting her from future employment and income.

Darren also refused to remove Laura from joint mortgages and then defaulted on the mortgage payments to the extent that the property went into negative equity. Darren did not comply with a court order to permit removal of her name from the mortgages, and the bank said it was unable to remove Laura without his cooperation. Laura got orders of sale but the properties were in such a poor state the bank would not accept the low offers she received. The properties were repossessed by the bank, who unintentionally disclosed Laura’s new address to Darren through the court paperwork. As Laura was 'jointly and severally liable', the bank chased her for the large debt accrued, asking her to pay the full amount or attaching a debt order to her new home.

With Laura’s credit rating ruined and her financial stability compromised by Darren’s actions, she felt she would not be able to get a mortgage or loan again, and that the economic abuse she had been subjected to would impact her for the rest of her life.

## Harassment or stalking

128. The criminal offences of harassment and stalking are set out in the Protection from Harassment Act 1997 (the 1997 Act) at Sections 2, 2A, 4 and 4A:

- **Section 2 (offence of harassment).** The defendant pursues a course of conduct, which amounts to harassment of another and which the defendant knows, or ought to know, amounts to harassment of the other. The offence applies where such behaviour is targeted at an individual on two or more occasions or where the harassment is targeted at two or more people at least once, for example the harassment of a group of disabled people.
- **Section 2A (offence of stalking)** involves the defendant pursuing a course of conduct, which amounts to stalking of another, and which the defendant knows, or ought to know, amounts to harassment of the other. Stalking is not defined, but section 2A provides a non-exhaustive list of examples of acts and omissions which, in particular circumstances, are ones associated with stalking, such as following someone, contacting them or trying to do so by any means, or monitoring their use of internet, e-mail or other electronic communications.
- **Section 4 (offence of putting people in fear of violence)** involves the defendant pursuing a course of conduct that causes a person to fear, on at least two occasions, that violence will be used against them and which the defendant knows, or ought to know, that their behaviour would have this effect on each of those occasions.
- **Section 4A (offence of stalking involving fear of violence or serious alarm or distress)** involves the defendant whose course of conduct amounts to stalking and which either causes someone to fear, on at least two occasions, that violence will be used against them, or which causes them serious alarm or distress which has a substantial effect on their usual activities.

129. Although there is no statutory definition of harassment, it is generally acknowledged that harassment involves behaviour that is intended to cause alarm or distress or to cause a person to fear violence. It can include, for example, repeated attempts to impose unwanted communications and contact upon a victim in a manner that could be expected to cause distress or fear in any reasonable person.

130. The police and the CPS have adopted the following description:

*Stalking is a "...pattern of unwanted, fixated and obsessive behaviour which is intrusive. It can include harassment that amounts to stalking or stalking that causes fear of violence or serious alarm or distress to the victim."*<sup>75</sup>

<sup>75</sup> [Home Office \(2021\) Stalking Protection Orders: Statutory Guidance for the Police, p.26.](#)

131. Conduct that amounts to harassment or stalking might be verbal or non-verbal and it does not have to be the same type of action on every occasion. For example, a perpetrator could use a variety of means to harass someone, such as sending threatening texts or emails, making abusive phone calls, damaging property or falsely reporting a person to the police when they have done nothing wrong.
132. **Harassment or stalking do not require the perpetrator to have a personal connection with the victim, which differs to the offence of controlling or coercive behaviour and other forms of domestic abuse.** However, around 45% of people who contact the National Stalking Helpline report being stalked by former intimate partners.<sup>76</sup> In the year ending March 2022, 32% of all stalking and harassment offences recorded by the police were domestic abuse related.<sup>77</sup>
133. Stalking behaviours may vary but are often motivated by obsession and share a consistent set of characteristics involving Fixated, Obsessive, Unwanted and/or Repeated (FOUR) behaviours, online and/or offline. Victims of domestic abuse may be vulnerable to harassment or stalking, particularly when a relationship has ended and such behaviours are a key indicator for future potential serious harm.<sup>78</sup> A Home Office analysis of 124 Domestic Homicide Reviews found that 18% had an aggravating factor of stalking, and 8% specifically digital stalking<sup>79</sup>. Stalking has also been identified as a common feature within domestic suicides.<sup>80</sup> To mitigate risk, it is imperative that stalkers are identified as early as possible and charged with stalking offences, including in a post-separation context.
134. Robust perpetrator identification and management, including the use of Stalking Protection Orders (SPOs), intervention programmes tailored to individual stalkers' needs (including one to one therapeutic support), specialised stalking risk assessments and safety planning, and multi-agency work which includes the presence of stalking advocates, can help improve victim safety. Police officers, professionals and specialist services (including domestic abuse services) should refer victims who are reporting stalking behaviours to a specialist stalking advocacy service (see **Annex E** – Specialist Support Services).

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<sup>76</sup> [What is stalking? | Suzy Lamplugh Trust.](#)

<sup>77</sup> [Domestic abuse prevalence and victim characteristics - Office for National Statistics \(ons.gov.uk\).](#)

<sup>78</sup> [Monckton-Smith. J, Szymanska. K and Haile. S \(2017\) "Exploring the relationship between stalking and homicide". Suzy Lamplugh Trust.](#)

<sup>79</sup> Home Office (2021) [Key findings from analysis of domestic homicide reviews - GOV.UK \(www.gov.uk\).](#)

<sup>80</sup> Home Office, Vulnerability and Knowledge Programme, NPCC, College of Policing (2021) [Vulnerability Knowledge and Practice Programme \(VKPP\): Domestic Homicides and Suspected Victim Suicides During the Covid-19 Pandemic 2020-2021.](#)

## Charging controlling or coercive behaviour and harassment or stalking

135. **It can be difficult to differentiate between the offences of controlling or coercive behaviour and those of harassment or stalking.** The offences of controlling or coercive behaviour, stalking and harassment can involve a course of conduct, or pattern of behaviour, that causes someone to fear that violence will be used against them on at least two occasions, or which causes them serious alarm or distress to the extent it has a substantial adverse effect on their day-to-day activities, or be behaviour which amounts to harassment. Some of the behaviours considered under each offence may be the same, which may reduce the distinction between these offences.
136. Police officers and prosecutors should begin by ensuring that appropriate questions have been asked of the victim and any witnesses to identify if this relates to a single incident or a pattern of behaviour. This will capture the totality of any offending and harm to the victim to be presented at court.
137. Where there are two or more incidents and the offending is fixated, obsessive, unwanted and repeated, police officers and prosecutors should firstly consider if this behaviour is stalking. Stalking behaviours are high-risk and this behaviour must be identified at the earliest opportunity. This will assist with perpetrators accessing early interventions to address offending and victims accessing appropriate protective orders.
138. If the behaviour does not exhibit the fixated element but includes acts of threats, humiliation and intimidation or other abuse that are used to harm, punish, or frighten their victim, or a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour, then police and prosecutors should consider the offence of harassment and/or controlling or coercive behaviour.
139. Section 68 of the Domestic Abuse Act 2022 amends section 76 of the Serious Crime Act 2015 by removing the living together requirement, but this is not retrospective and charges cannot be brought on the basis of a perpetrator's behaviour before the legislation was commenced. Therefore, in some cases there may need to be two charges to reflect the change in legislation. Additionally, some of the behaviour being carried out may not satisfy all of the legal elements of stalking or harassment so, to truly reflect the totality of the offending, separate charges may need to be laid. For example, in cases where stalking is apparent but economic abuse is also taking place post-separation, both stalking and controlling or coercive behaviour charges may be appropriate. Additional guidance can be found in the CPS legal guidance on [controlling or coercive behaviour in an intimate or family relationship](#) and in the CPS legal guidance on [stalking and harassment](#).

140. For further guidance on risk factors associated with stalking, please refer to the [Stalking Protection Orders: Statutory Guidance for Police](#). For further guidance around harassment and stalking, please refer to the following:

- [CPS Legal Guidance on Stalking and Harassment](#)
- [Stalking Protection Orders: Statutory Guidance for the Police](#)
- [College of Policing guidance on stalking or harassment](#)
- [Sentencing Council Harassment and stalking guidance](#)
- [CPS / Police Protocol on the Appropriate Handling of Stalking Offences](#)
- [College of Policing briefing note for amendments to the protection of harassment act 1997](#)
- [College of Policing training on Violence Against Women and Girls including stalking and harassment](#)

141. To safeguard victims from further abuse, officers should be aware of the above guidance to ensure that the appropriate action is taken when considering if a case is one of controlling or coercive behaviour, and/or harassment or stalking.

## Domestic homicide and suicide

142. Controlling or coercive behaviour is a risk factor in domestic homicides, and a pre-cursor for suicides. Where suicide has occurred, police and prosecutors should consider whether the perpetrator's controlling or coercive behaviour could amount to Unlawful Act Manslaughter.<sup>81</sup>
143. The 2021 to 2022 Domestic Homicide Project's<sup>82</sup> review of domestic homicides and victim suicides found that controlling or coercive behaviour was one of five of the most prevalent risk factors. Over a third (35.8%) of suspects (across adult family homicide, intimate partner and victim suicides<sup>83</sup>) were previously known to the police for controlling or coercive behaviour. The research also identified that a history of domestic abuse, non-fatal strangulation and attempts to separate are indicators of controlling or coercive behaviour, and risk factors for both intimate partner homicide and suspected victim suicide. This suggests that cases of high-risk domestic abuse, often characterised by control or coercion, might end in either a homicide or suspected victim suicide.
144. The project's report recommended that all agencies involved in any MARAC process should consider the risk of victim suicide and domestic homicide in cases of domestic abuse, particularly where risk factors including controlling or coercive behaviour, a history of non-fatal strangulation and/or attempts to separate are present.
145. From the Domestic Homicide Project research, we can infer that identifying and prosecuting controlling or coercive behaviour early may assist in preventing future domestic suicides or homicides. For further guidance on Domestic Homicide Reviews, please refer to [Domestic homicide reviews: statutory guidance](#).<sup>84</sup>

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<sup>81</sup> [CPS Legal Guidance \(2019\) Homicide: Murder and Manslaughter](#).

<sup>82</sup> Home Office, Vulnerability and Knowledge Programme, NPCC, College of Policing (2022). [Vulnerability Knowledge and Practice Programme \(VKPP\): Domestic Homicides and Suspected Victim Suicides 2021-2022. Year 2 Report](#).

<sup>83</sup> 12.9% in Adult Family, 37.5% in intimate partner and 60.3% in suspected victim suicide cases in the 2021-2022 VKPP project report.

<sup>84</sup> The Domestic Homicide Review statutory guidance will be updated in 2023 following a public consultation.

## Other forms of domestic abuse

146. **Controlling or coercive behaviour can be present when other types of abuse are taking place.** Some examples are listed below but further detail is set out in Chapter 2 of the [Domestic Abuse Statutory Guidance](#). Furthermore, the range of other types of forms of abuse (as detailed in this section) can be a part of and reinforce a wider pattern of ongoing domestic abuse and should be considered as a potential factor in domestic abuse enquiries.

### Physical abuse

147. Physical abuse, violent or threatening behaviour often form part of controlling or coercive behaviour. This can involve, but is not limited to:

- Being, or threatened to be, kicked, punched, pinched, pushed, dragged, shoved, slapped, scratched, choked, strangled or suffocated and bitten;
- Use, or threats of use, of 'weapons', such as knives and irons;
- Being, or threatened to be, burned, scalded, poisoned, or drowned;
- Objects being thrown at or in the direction of the victim;
- Violence or threats of physical abuse or violence, against family members, friends and/or pets;
- Causing harm by damaging or denying access to medical aids or equipment – for example a deaf person may be prevented from communicating in sign language or may have their hearing aids removed; and
- Harming someone whilst performing 'caring' duties, which are often performed by relatives. This is especially relevant for disabled victims and may involve force feeding, over-medication, withdrawal of medicine or denying access to medical care.

148. **Non-fatal strangulation and suffocation can also be part of physical and/or sexual abuse. Section 75A of the Serious Crime Act 2015<sup>85</sup> (the 2015 Act) introduced a new and specific criminal offence of non-fatal strangulation and suffocation in England and Wales.** The offence came into force on 7 June 2022 and applies to any case where a person intentionally strangles or suffocates another person or does an act that affects another's ability to breathe and this constitutes a battery. The offence will have general application, which means that it can apply to all cases where a person intentionally, but does not fatally, strangle or suffocate another person, including those cases where the offence occurs in a domestic abuse context.

149. **Please also refer to the [CPS non-fatal strangulation guidance](#).**

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<sup>85</sup> As amended by section 70, Domestic Abuse Act 2021.

## **Sexual assault, coercion and abuse**

150. Perpetrators may use sexual assault or abuse, or threats of sexual assault or abuse, to control or coerce a victim. This can involve:

- Rape and sexual assault;
- Being pressured into sex, or sexual acts, including with other people;
- Being forced to take part in sexual acts because of threats to others, including children;
- Being forced to witness sexual activity;
- Unwanted sexual contact or demands;
- ‘Corrective’ rape (the practice of raping someone with the aim of ‘curing’ them of being LGBT);
- Intentional exposure to HIV or sexually transmitted infections;
- Being pressured or being tricked into having unsafe sex, including deception over the use of birth control;
- Forced involvement in making or watching pornography; and
- Being hurt without consent during sex, including by erotic asphyxiation or suffocation or other sadomasochistic sexual practices.

151. Victims can also be the subject of reproductive coercion, which can involve: restricting a victim’s access to birth control; refusing to use a birth control method; forcing the victim into becoming pregnant; failing to disclose contraception status; deception regarding the use of birth control, including falsely claiming to be using contraception; forcing a victim to get an abortion, IVF (in vitro fertilisation) or other related procedure; or denying access to such procedures.

## **Verbal and emotional abuse**

152. Verbal abuse can amount to emotional or psychological abuse or threatening behaviour. Examples include:

- Repeated yelling and shouting;
- Verbal humiliation either in private or in company;
- Being laughed at and being made fun of;
- Abusive, insulting, threatening or degrading language; and
- Discriminating against someone or mocking them about their disability, sex or gender identity, gender reassignment, religion or faith belief, political or other beliefs, sexual orientation, age, race or ethnicity, physical appearance etc.

**For further guidance on verbal, emotional or psychological abuse, please also refer to Chapter 2 of the [Domestic Abuse Statutory Guidance](#).**

## Economic abuse

153. **The 2021 Act includes economic abuse as a form of domestic abuse (see Annex C for full definition). Economic abuse can also be a form of controlling or coercive behaviour, where it is repeated or continuous.** It can make an individual economically dependent on the perpetrator, and/or create economic instability, making it more difficult for them to escape and access safety. This can result in an individual staying with a perpetrator and experiencing more abuse and harm as a result.<sup>86</sup> As with many other forms of abuse, economic abuse can be a part of and reinforce a wider pattern of ongoing domestic abuse and should be considered as a potential factor in domestic abuse enquiries.
154. **It is important to be aware that economic abuse may take place or persist after the victim has separated from the perpetrator. This pattern of behaviour can be investigated under the amended controlling or coercive behaviour offence (Section 68 of the Domestic Abuse Act 2021).**
155. A nationally representative survey carried out by Refuge and Co-Op found that 17% of women and 16% of men reported being victims of economic abuse. Many of these victims also reported being a victim of other forms of domestic abuse, as part of a pattern of controlling or coercive behaviour. Common experiences reported included causing damage to personal property, using money as a means of manipulation, and having limited or no control over own income. The survey indicates some groups may be less able to identify economic abuse. For example, whilst those aged 70 and over were the least likely age group to say that they had experienced economic abuse (8%), when asked about specific behaviours, 28% reported experiencing these.<sup>87</sup>
156. **Victims of economic abuse may not recognise that they are being abused and/or may not be aware that such abuse may amount to a criminal offence.** For example, someone who has entered into shared financial arrangements may not realise that the perpetrator is using the arrangement to control, dictate or misuse how this money is spent. Economic abuse can affect victims from a range of socio-economic backgrounds, for example a victim of economic abuse may appear financially stable but may not have access to, or control of, their finances.
157. It is therefore important to be aware of the range of ways in which a perpetrator can seek to economically abuse their victim. Effectively identifying such abuse can also provide important evidence to support evidencing controlling or coercive behaviour or other offences.

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<sup>86</sup> See Butt, E. [Know economic abuse: 2020 Report](#); Refuge: 2020; Surviving Economic Abuse (2018) '[Economic abuse is your past, present and future](#)': A report on the practical barriers women face in rebuilding their lives after domestic violence.

<sup>87</sup> Butt, E. [Know economic abuse: 2020 Report](#); Refuge: 2020.

158. Examples of economic abuse may include the following:

### **Controlling/ restrictive behaviours**

- Controlling the family income;
- Refusing to contribute to household income or household management, or costs pertaining to shared parental responsibility;
- Not allowing a victim to spend any money unless 'permitted';
- Forcing the victim to account for all expenditure;
- Excluding the victim from financial decisions;
- Preventing the victim from having access to a bank account in their sole name and/or having all accounts in the perpetrator's name;
- Preventing a victim from claiming welfare and/or disability benefits, controlling claims for welfare benefits, claiming child benefit when the child resides with the victim, or forcing someone to commit benefit fraud or misappropriating such benefits;
- Denying the victim food or only allowing them to eat a particular type of food (e.g. limiting access to a prescribed diet);
- Running up bills and debts such as credit/store cards in a victim's name, including without them knowing, or coercing the victim to allow them to run up bills/take out credit cards/loans/overdrafts in their name;
- Gambling with a victim's money without them knowing or coercing them into providing money for gambling;
- Refusing to purchase or refusing to allow the purchase of accessibility aids;
- Forcing the victim to take out contracts (such as for phones or other devices), or taking out contracts in the victim's name without their consent;
- Not allowing a victim access to mobile phone/car/utilities;
- Not allowing a victim to buy pet food or access veterinary care for their pet;
- Refusing to make agreed or required payments, for example mortgage repayments or child maintenance payments.

### **Sabotage**

- Fraudulently or coercively leading a victim to make financial decisions that are not in their best interests;
- Deliberately prolonging family and/or civil court proceedings, or conducting proceedings unreasonably with the intention of increasing legal fees;
- Interfering with or preventing a victim from regularising their immigration status so that they are economically dependent on the perpetrator;
- Not allowing a victim to set up personal identification (e.g. applying for a National Insurance number) which may preclude them from being able to achieve financial independence;
- Sending money to the victim's account so it affects their eligibility for claiming benefits;
- Interfering with a victim's education, training, employment and career;
- Damaging the victim's property;
- Coercing the victim into signing over property or assets;
- Misusing joint financial products to have a negative effect on the victim's credit score and preventing financial disassociation;
- Preventing the victim from having a credit history;

- Forging signatures on contracts;
- Giving money intended as child maintenance to the children rather than the victim, to undermine parental authority;
- Fraudulently putting companies in the victim's name so that they are held liable for financial fillings and paying corporation tax;
- Deliberately frustrating the sale of shared assets, or the closure of joint accounts or mortgages;
- Hiding assets, particularly during the financial settlement of a divorce; and;
- Fraudulent registration of a Lasting Power of Attorney.

159. The Refuge and Co-op survey on economic abuse highlighted that 57% of victims of economic abuse were in or had been in debt, and 26% had a negatively impacted credit score. It found that women were left with higher levels of debt and were more likely to say they were still paying off the debt at the time of the survey.<sup>88</sup> This can limit someone's ability to leave a perpetrator, or it can create ongoing difficulties post-separation, for example an inability to apply for new financial products, difficulty assessing income and difficulty getting back into work. Victims should be referred or signposted to money, debt or benefit advice services and be advised to contact their bank to see what support is available. Those accessing a specialist financial support line for victims of domestic abuse with financial difficulties (run by the organisation Surviving Economic Abuse in partnership with Money Advice Plus) between September 2018 and August 2020, had an average of five creditors.<sup>89</sup>

**160. As a pattern of controlling or coercive behaviour, economic abuse can start, continue, or escalate post-separation in the case of intimate partners, or the victim's finances may be controlled by another family member they live with, or who does not live with them, or when the absence of physical proximity may mean that it is one of the only means left to control the victim.**

161. Examples of post-separation economic abuse might include the following:

- Deliberately and unreasonably prolonging proceedings, for example by failing to provide information or disclosure requested by the court with the intention of increasing legal fees;
- No longer paying the mortgage without reason, despite previously paying;
- Unreasonably preventing the implementation of a financial order made by the court, for example by refusing to allow viewings for the sale of a jointly owned property;
- Misuse of joint bank accounts;
- Non-payment of agreed and/or required child maintenance, paying maintenance irregularly, or insisting maintenance payments will only be made if access is given to the children;
- Making unnecessary applications in court proceedings; and
- Demanding money in exchange for allowing time with children.

<sup>88</sup> Butt, E. [Know economic abuse: 2020 Report](#): Refuge: 2020.

<sup>89</sup> Surviving Economic Abuse (2020) [SEA-EJP-Evaluation-Framework\\_112020-2-2.pdf \(survivingeconomicabuse.org\)](#)

**Please note that the above list is not exhaustive, and examples listed can also apply in cases of post-separation economic abuse.**

### **Case Study – John**

When John's wife died, his daughter Jenny suggested that she move in to help look after him. Jenny offered to take charge of the shopping and other household bills, using her dad's bank card. When John asked if he could go shopping with Jenny, she said this would be too much effort and eventually stopped letting him accompany her on any outings or use his own bank card. The fridge was often empty and, despite providing Jenny with money to pay the utility bills, John started getting letters from saying the bills weren't being paid. When John asked Jenny about this, she got angry and said that he was probably getting confused due to old age.

The phone line was eventually cut off due to non-payment. John suggested he get a mobile phone but Jenny said he didn't have anyone to talk to and wouldn't know how to use it anyway. John soon started to lose touch with his friends.

John was also struggling to keep on top of the washing and suggested that they hire a cleaner. Jenny refused, citing that it was a waste of money and accusing him of saying she was doing a bad job in caring for him. Jenny would often invite friends over and tell her dad he needed to stay in his room. If John came out, Jenny would become angry, belittling him and shouting at him in front of her friends. Eventually John stayed in his room whenever Jenny's friends were over.

John was very low, became unkempt, lost weight and felt isolated. John's GP was concerned about his presentation and asked him if everything was ok at home. John explained the situation and together they contacted the police who identified financial abuse due to Jenny restricting John's access to his finances, as well as having allowed debts to accrue in her dad's name. John told police about the food shopping and officers identified this as restricting his independence and access to food.

This allowed the police to build a case for controlling or coercive behaviour. Bail conditions were put in place to stop Jenny returning to the home and the GP referred John to Adult Social Services to arrange alternative care arrangements to support him at home.

162. Economic abuse can be manifested through the use of technology and the internet. This can be particularly present in cases of post-separation abuse. Examples of this include malicious communications through bank transfer references, and monitoring and misusing financial accounts such as online or mobile banking, online shopping, credit reference agency information and accounts such as PayPal.

163. The organisation Surviving Economic Abuse, in partnership with Money Advice Plus, has created a [guide](#) to understanding economic abuse for victims.

In February 2021, the Financial Conduct Authority (FCA) published updated guidance for firms on the fair treatment of vulnerable customers, and this includes specific reference to economic control within understanding relationship breakdown and domestic abuse as a driver of vulnerability. The FCA defines vulnerability as customers who, “due to their personal circumstances, are especially susceptible to harm, particularly when a financial services organisation is not acting with appropriate levels of care”.<sup>90</sup>

164. In assessing the potential vulnerability of customers, consideration should be given to:

- **Health:** health conditions or illnesses that affect ability to carry out day-to-day tasks;
- **Life events:** life events such as bereavement, job loss or relationship breakdown;
- **Resilience:** low ability to withstand financial or emotional shocks;
- **Capability:** low knowledge of financial matters or low confidence in managing money (financial capability). Low capability in other relevant areas such as literacy, or digital skills.

165. The FCA guidance states that firms should take steps to ensure that their staff are capable of recognising and responding appropriately to the needs of vulnerable customers and that they “expect firms to provide their customers with a level of care that is appropriate given the characteristics of the customers themselves”. In relation to domestic and economic abuse, FCA guidance states that “relevant staff should be aware that this is widespread, with both immediate and long-term impacts on victims and survivors across all drivers of vulnerability. It is important that relevant staff are aware of how perpetrators of abuse can use financial services in their abuse and recognise how to safely provide victims with the support they need”.<sup>91</sup> Financial institutions have a duty and responsibility to reduce the potential for harm to vulnerable consumers.

166. Financial services should also refer to the UK Finance [Financial Abuse Code](#), which sets out how participating banks and building societies should support customers who are victims of domestic, financial or economic abuse. The Code aims to bring increased awareness and better understanding of what domestic, financial and economic abuse looks like for firms, employees, victims, potential victims and their families, and ensure more consistency in the support available for those who need it.

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<sup>90</sup> Financial Conduct Authority (2021) Guidance for firms on the fair treatment of vulnerable customers, p.9.

<sup>91</sup> Financial Conduct Authority (2021) Guidance for firms on the fair treatment of vulnerable customers, p.18.

## Technology-facilitated abuse

167. Controlling or coercive behaviour can also take place using technology and the internet, enabling the abuse to be perpetrated both within the home and from a distance. Technology-facilitated abuse is an increasingly prevalent form of controlling or coercive behaviour and may occur as part of a pattern of behaviour. Misusing technology in this way allows perpetrators significant anonymity and little oversight or accountability for their behaviour.

168. A UK representative survey conducted by Refuge found 16% of women and 10% of men experienced at least one behaviour suggestive of online abuse or harassment from a current or ex-partner. This figure rises to 1 in 5 (22%) amongst younger women aged 18 to 34. The same survey found that 94% of women experiencing technology-facilitated abuse on social media also experienced other forms of domestic abuse.<sup>92</sup> Professionals should be alert to technology-facilitated abuse and how it can play a key role in domestic abuse. A victim may feel unable to deviate from their routine or access support due to technology-facilitated monitoring and surveillance conducted by the perpetrator. Particular consideration should be given to technology-facilitated abuse within young people's intimate relationships, given that their lives are often heavily online based.

169. **Some examples of technology-facilitated abuse include**, but are not limited to:

- Placing false or malicious information about a victim on their or others social media;
- Cyber-stalking and technology-facilitated harassment;
- Trolling, such as leaving abusive messages via social media;
- Abusive, aggressive or threatening messages via text, WhatsApp or email;
- Hacking into, monitoring or controlling email accounts, social media profiles and phone calls;
- Hacking into, monitoring or controlling devices;
- Coercing the victim into sharing their passwords;
- 'Doxing' – putting someone's private personal information online;
- Blocking the victim from using their online accounts, responding in the victim's place or creating false online accounts;
- Accessing, monitoring and controlling digital health records and medical accounts, e.g. to amend prescription requests, cancel appointments, falsely request appointments or using the content to control or coerce;
- Use of spyware or GPS locators on items such as phones, computers, wearable technology, cars, motorbikes and pets or on children and/or their belongings;
- Hacking internet enabled devices such as PlayStations or iPads to gain access to accounts or trace information such as a person's location;
- Controlling the victim through the child's technology, for example the child's phone or toys;

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<sup>92</sup> [Refuge \(2021\) Unsocial Spaces: Make online spaces safer for women and girls.](#)

- Using personal devices such as smart watches or smart home devices (such as Amazon Alexa, Google Home Hubs, smart locks and smart light/heating devices) to monitor, control or frighten;
- Use of hidden cameras and smart doorbells to monitor or spy;
- Use of camera and microphone features to capture intimate images to be used as blackmail;
- Creation of fake accounts; and
- Using other people to create fake online or social media accounts or use their own accounts to harass or monitor the victim by proxy. This can allow the abuse to continue even when the victim may have blocked the perpetrator on their social media and devices.

The development of new technological products and ‘smart’ devices means that this is an evolving form of abuse.

170. The Domestic Abuse Act 2021 amended Section 33 of the Criminal Justice and Courts Act 2015, expanding the existing offence of ‘disclosing private sexual photographs and films with intent to cause distress’, colloquially known as ‘revenge porn,’ to include ‘threatening to share’ these materials. This means it is now a criminal offence for an individual to threaten to share intimate images, with the intent to cause that individual distress, without the consent of the individual depicted. Threats to share intimate or sexual images and films can be used as part of a pattern of behaviour to control and coerce victims, both during a relationship with a perpetrator and following separation.

171. As technology is intrinsic to many people’s lives, victims of technology-facilitated abuse should never be asked to stop using their devices or online accounts to prevent abuse from continuing. Police officers should respond to technology-facilitated abuse by conducting a thorough investigation and taking a proactive approach to evidence collection. In these cases, the timely and thorough retrieval of the perpetrator’s devices is important in collecting evidence. When perpetrators are interviewed before their devices are retrieved, this could give them an opportunity to delete or destroy evidence, give the wrong devices, or password-protect their devices.

### **Case Study – Tania**

Tania's husband Charlie said he knew more about technology than she did and set up her smart phone using his email address. Charlie also downloaded a tracking app onto Tania's phone saying this was in case Tania lost it, but when it showed Tania as anywhere else but at home, the supermarket or work, he would become angry.

Charlie also installed CCTV in all the main living spaces in their home, telling Tania this was for their safety. Soon Charlie started checking the cameras remotely, questioning what Tania was doing, whenever she was home without him.

One day, Tania left her phone at home and went to meet a friend. Charlie turned up unannounced and was angry, accusing her of deliberately leaving her phone at home. Tania later found a tracking device on her car. Tania started to feel that she was being monitored all the time and felt she could not do anything without Charlie's permission, as he would always find out somehow.

Tania also began to notice she was no longer getting notifications from her social media apps and that these had been disabled. When Tania opened the apps, she saw that Charlie had sent abusive messages to her family and friends, pretending to be her, telling them she no longer wanted contact and their numbers had been blocked.

Tania spoke to her brother on the phone about wanting to end the relationship. When Charlie came home, he knew all about the conversation and became violent. When Tania reported the assault to the police and they arrived to take her statement, they noticed the cameras in the house. Police officers asked about this, leading to Tania to disclose other elements of Charlie's behaviours. During the investigation, police also found hidden recording apps on Tania's phone that were linked to Charlie's email.

Police were able to charge Charlie for assault, as well as controlling or coercive behaviour.

## Abuse relating to faith

172. Whilst faith can be a source of support and comfort to victims, domestic abuse can occur in relation to, and through using, an individual's faith and belief system. Using religion and faith systems to control and subjugate a victim can be a form of emotional and psychological abuse. It is often characterised by a systematic pattern of controlling or coercive behaviour within a religious context,<sup>93</sup> and can be perpetrated by a current or former partner, as well as family members. **For further guidance on abuse relating to faith, please also refer to Chapter 2 of the [Domestic Abuse Statutory Guidance](#).**

## So-called 'Honour'- based abuse

173. So-called 'Honour'-based abuse (HBA) is a crime or incident which has or may have been committed to protect or defend the perceived honour of the family and/or community, or in response to individuals trying to break from constraining 'norms' of behaviour that their family and/or community is trying to impose. HBA can include physical, emotional or psychological abuse and a range of other circumstances, not all of which represent domestic abuse under the 2021 Act, for example if the victim and perpetrator are not personally connected. However, HBA will typically be carried out by a member or members of the family and is likely to involve behaviours specified in the statutory definition of domestic abuse in the 2021 Act. **For further guidance on 'Honour'-based abuse, please also refer to Chapter 2 of the [Domestic Abuse Statutory Guidance](#).**

174. **Forced marriage and Female Genital Mutilation (FGM) are forms of HBA (further detail is included in Chapter 3 of the [Domestic Abuse Statutory Guidance](#)).**

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<sup>93</sup> see Oakley, L. R., Kinmond, K. S., & Humphreys, J. 2018. [Spiritual abuse in Christian faith settings: Definition, policy and practice guidance](#). Journal of Adult Protection, 20(3/4), 144-154.

## Annex A – Related considerations

**Individuals can be the victims of multiple and different abusive behaviours because of the way different characteristics**, such as sex, race, ethnicity, disability, gender reassignment, sexual orientation, age, religion or belief **can intersect and overlap**, along with other factors such as socio-economic position or immigration status. These factors can create additional barriers to accessing services and support if they are not adequately designed to meet a victim's specific needs.

Other factors that can create additional barriers to a victim accessing support are listed below. Others are explored in additional detail in the rest of this Annex:

- **Risk of escalation of abuse, threats and violence** – the victim may be fearful of what the perpetrator may do to them or their children, including if they leave their situation, or fear losing their children based on threats from the perpetrator;
- **Impact of controlling or coercive behaviour and trauma** – the abuse may make the victim feel isolated, worthless, to feel they are to blame for the abuse and/or be convinced they cannot look after themselves;
- **Shame and stigma** – the victim may fear not being believed, feel shame around disclosing abuse and/or fear not being able to access support;
- **Economic dependence/instability** – the victim may not have access to resources they need to support themselves or their children independently, or may not be able to afford legal representation due to lack of access to legal aid;
- **Living in a rural or isolated community** – a victim may face increased isolation from support networks and lack of access to services if they are living in a rural community compared to an urban setting or if they have not been allowed to mix freely with wider society;
- **Spouse or partner of a posted worker** – a victim may be living in accommodation provided by the perpetrator's employer and this may be away from their support networks, such as in military accommodation;
- **Language and communication** – the victim may face specific challenges in communicating the abuse which may hinder them from accessing or seeking assistance;
- **Connections to local area** – the victim may fear leaving their local area where they have a network of support (friends/family), employment and where their children are settled in schooling, as well as concern about the upheaval to their children's lives;
- **Perpetrator is in a position of trust (e.g. police officer, doctor, social worker)** – the victim may be worried that they would not be believed or potential repercussions;
- **Religious/community/family pressures** – the victim may be under pressure from religious or community figures, or members of their extended family, not to leave, or to return if they have left;
- **Impact of alcohol, drugs or substance misuse** – the victim may have developed a reliance on substances to try and cope with the abuse, or be in a position where the perpetrator supports and/or facilitates the addiction to maintain control over them;

- **Street homelessness** – abusive relationships can develop along those who are already homeless fuelled by a belief among highly vulnerable victims that they are safer on the street in a couple, even where a relationship might be controlling, abusive or harmful.<sup>94</sup>
- **Mental health** – domestic abuse can lead to a number of health-related issues for the victim, including the development of a specific mental health condition or multiple conditions. Perpetrators may tell a victim they won't be believed due to their mental health;
- **Mental capacity** – someone with impaired mental capacity (due to a disability, illness or brain injury) may be particularly vulnerable, both in terms of the chances of being a victim, and their ability to access appropriate support. Perpetrators may manipulate the mental capacity of the victim by attempting to make professionals believe that the victim has the capacity to make decisions when they do not, or that the victim does not have capacity to make decisions when they do. The Mental Capacity Act 2005 aims to empower people to make their own decisions wherever possible and to ensure that any decision made, or action taken, on behalf of someone who lacks the capacity to make the decision or act for themselves is made in their best interests. It should be assumed that a person has capacity to make a decision for themselves (the right to autonomy) unless it is established that they do not have capacity. While they may have capacity, controlling or coercive behaviour can impact a victim's ability to make decisions freely;
- **Pregnancy** - Being pregnant may put women at increased risk of abuse,<sup>95</sup> although the data available on prevalence of domestic abuse amongst pregnant individuals is limited. For more information on domestic abuse and pregnancy, please refer to Chapter 5 of the [Domestic Abuse Statutory Guidance](#).
- **Protected characteristics**, as set out in the Equality Act 2010, such as age, disability, race, religion or belief, sex, sexual orientation and gender reassignment, **can also create specific barriers to leaving a relationship with a perpetrator or accessing support. including:**
- **Disability** – For disabled victims, the abuse they experience is often directly linked to their disability and perpetrated by the individuals they are most dependent upon for care, such as intimate partners, ex-partners or family members who may be acting as a carer. Research suggests disabled victims are more likely to face abuse from an adult family member compared to non-disabled victims and are more likely to be still living with the perpetrator.<sup>96</sup> For more information on disabled victims of domestic abuse, please refer to Chapter 5 of the [Domestic Abuse Statutory Guidance](#).
- **Race and ethnicity** – There is often under-reporting of domestic abuse within minority communities, with many victims reporting that stereotypes and assumptions were made about them coming from 'cultures where VAWG was normalised and accepted' or their experiences of domestic abuse being treated

<sup>94</sup> Brighton Women's Centre (2018) [Couples First? Understanding the needs of rough sleeping couples](#)

<sup>95</sup> See [Domestic abuse in pregnancy - NHS \(www.nhs.uk\)](#); Yakubovich, A, et al (2018) [Risk and protective factors for intimate partner violence against women: Systematic review and meta-analyses of prospective-longitudinal studies](#). American Public Health Association: 108(7): 1-11.

<sup>96</sup> [SafeLives \(2017\) Disabled Survivors Too: Disabled people and domestic abuse, p.9.](#)

as housing and/or immigration cases by public authorities.<sup>97</sup> Experiences of discrimination and racism may also make a person vulnerable to abuse.<sup>98</sup> For more information on race and ethnicity in relation to domestic abuse, please refer to Chapter 5 of the [Domestic Abuse Statutory Guidance](#).

**For further guidance on the impact of domestic abuse on different characteristics and how professionals can provide support, please refer to Chapters 4 and 5 of the [Domestic Abuse Statutory Guidance](#) and the [Welsh Government VAWDASV Strategy](#). A full list of organisations and specialist support services can be found at **Annex G** of this guidance.**

## Sex

It is important to note that the statutory definition of domestic abuse is not specific to sex.

### Female victims

It is recognised that more women than men are affected by domestic abuse.<sup>99</sup> Statistics from the year ending March 2022 Crime Survey for England and Wales (CSEW) showed that in the previous year, women were more than twice as likely to have experienced domestic abuse than men.<sup>100</sup>

### Male Victims

Different systemic, environmental and cultural barriers can impact groups of victims, including men and boys. Male victims may be less likely to disclose that they are being abused or may not recognise that they are victims of domestic abuse as they may believe the term 'domestic abuse' is only applicable to women.<sup>101</sup> For more information on male victims of domestic abuse, please refer to Chapter 5 of the [Domestic Abuse Statutory Guidance](#) and the [Supporting Male Victims Position Statement](#).

## Age

### Children and young people

Controlling or coercive behaviour has a significant impact on children and young people in relation to parental or other family member relationships. Section 3 of the 2021 Act recognises that domestic abuse can impact on a child who sees, hears, or experiences the effects of the abuse, and is related to either the perpetrator or victim and therefore children are now recognised as victims of domestic abuse in their own right. Research shows that for children who experience controlling or coercive

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<sup>97</sup> Thiara. R, Roy. S and Ng. P (2015) Between the lines research briefing: service responses to Black and Minority Ethnic Women and Girls experiencing Sexual Violence, University of Warwick, Swell, Isla Foundation and Imkaan, pp.1-31  
Thiara. R, Roy. S and Ng. P (2015) Between the lines research briefing: service responses to Black and Minority Ethnic Women and Girls experiencing Sexual Violence, University of Warwick, Swell, Isla Foundation and Imkaan, pp.1-31. See [Between the Lines: Service Responses to Black and Minority Ethnic \(BME\) Women and Girls Experiencing Sexual Violence – new report | womensgrid – women's groups news](#)

<sup>98</sup> [SafeLives \(2021\) SafeLives' response to the Commission on Race and Ethnic Disparities Race Report.](#)

<sup>99</sup> [Domestic abuse and the criminal justice system - Office for National Statistics \(ons.gov.uk\)](#)

<sup>100</sup> ONS (2022) [Crime in England and Wales - Office for National Statistics \(ons.gov.uk\)](#).

<sup>101</sup> HM Government (2022) [Supporting male victims Position statement on male victims of crimes considered in the cross-government Tackling Violence Against Women and Girls Strategy and the Tackling Domestic Abuse Plan.](#)

behaviour, the impact is likely to be similar to adult victims.<sup>102</sup> This highlights that living with domestic abuse will have a direct impact on a children's mental and physical wellbeing.

*“Practitioners, policy-makers and leaders of organizations must begin to recognize how children who have lived with coercive control-based domestic violence will likely have experienced highly restrictive and un-free family lives, with limited opportunities to develop personal confidence, a sense of independence and competence, and social skills.”*<sup>103</sup>

*Dr Emma Katz (2016)*

Whether present in the house during particular incidents of domestic abuse or not, children and young people will be experiencing the effects of the perpetrator's everyday patterns of controlling or coercive behaviour. The isolation from family and friends, the tension and fear within the home and lack of access to financial and other forms of independence for the non-abusive parent can all directly impact on the child's development and quality of life.

Young people can experience domestic abuse in their own relationships. Young people may also experience technology-facilitated abuse through new technologies and social media, which might be used to monitor or harass a victim.

Combined SafeLives' Children's Insights data from 2010 to 2017 showed that 53% of the 13 to 17-year-olds supported had experienced a high severity of jealous and controlling behaviour.<sup>104</sup> Navigating their first or an early intimate relationship can make it more difficult for young people to recognise abusive behaviours. In addition, a further barrier to reporting the abuse may be a fear of authority or getting a partner, ex-partner or family member into trouble with the police.

The definition of domestic abuse in the 2021 Act states that domestic abuse in the context of an intimate relationship has a minimum age of 16 years old. However, CPS guidance applies to all cases of domestic abuse, regardless of the age of the individuals involved.

**Anyone over the age of criminal responsibility can be investigated for, and charged with, offences involving domestic abuse behaviours, including the specific offence of controlling or coercive behaviour.** Where a victim is aged 18 or under, child safeguarding procedures should be followed, regardless of whether there is any police action (for further information on children's safeguarding, refer to Chapter 4 in the [Domestic Abuse Statutory Guidance](#)).

Young people experiencing or displaying harmful behaviours in their own relationships need tailored support. In Wales, this is set out in the [All Wales Practice Guide - safeguarding children affected by domestic abuse](#), issued (and to be used in conjunction with) the Wales Safeguarding Procedures. Specialist services for children and young people can offer specialist trained workers, such as Children's

<sup>102</sup> [McLeod, D \(2018\) Research in Practice: Coercive control: Impacts on children and young people in the family environment, p.29.](#)

<sup>103</sup> [Katz, E \(2016\) 'Coercive control-based domestic abuse: Impacts on mothers and children'. London: Presentation, AVA \(Against Violence and Abuse\) training seminar.](#)

<sup>104</sup> [SafeLives \(2017\) Safe Young Lives: Young People and domestic abuse, p.19.](#)

Independent Domestic Violence Advocates (IDVAs) or Independent Sexual Violence Advocates (ISVAs), who will have better links with schools and a better understanding of the nature of abuse young people experience in their own intimate relationships.

Child-to-parent abuse, also commonly referred to as Adolescent to Parent Violence/Abuse (APV/A) and Child and Adolescent to Parental Violence and Abuse (CAPVA), can involve children of all ages, including adult children, and abuse toward siblings, grandparents, aunts, uncles as well as other family members such as those acting as kinship carers. If the child is 16 years of age or over, the abuse falls under the statutory definition of domestic abuse in the 2021 Act.

There is no specific legal definition of child-to-parent abuse but it is generally accepted to involve some of the patterns of behaviour that can be found in other relationship contexts. Behaviours can encompass, but are not limited to, humiliating and belittling language, violence and threats, jealous and controlling behaviours, damage to property, stealing and heightened sexualised behaviours. For more information, please refer to Chapter 2 of the [Domestic Abuse Statutory Guidance](#).

### **Older people**

Older people can be victims of controlling or coercive behaviour by partners, ex-partners or family members. This abuse may include economic, emotional, psychological, sexual or physical abuse or neglect, and can affect both men and women. For more information on older victims of domestic abuse, please refer to Chapter 5 of the [Domestic Abuse Statutory Guidance](#).

## **Immigration status and migrant victims**

Migrant victims may face barriers when attempting to escape domestic abuse relating to their immigration status or lack thereof. Some victims may have no recourse to public funds (NRPF), which can lead to greater dependence on the partner, ex-partner or family. They may also face a greater economic impact of leaving a perpetrator if they are unable to claim benefits or access housing, or if they lose their immigration status by leaving their partner, including destitution and homelessness. Perpetrators may manipulate a victim's immigration status as a tool for controlling or coercive behaviour.<sup>105</sup>

Examples of how perpetrators can exert control over migrant victims include:

- Threatening to no longer provide support for their stay in the UK;
- Falsifying a victim's immigration status and/or purposefully bringing a victim into the UK with an incorrect visa to ensure they remain vulnerable to immigration enforcement, and without options for regularisation;
- Withholding key immigration documents from a victim, including their passport, so they are unable to ascertain what rights they may have;
- Withholding accurate information from a dependent, for example, when their visa lapses;

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<sup>105</sup> Domestic Abuse Commissioner. [Safety Before Status: Improving pathways to support for migrant victims of domestic abuse](#): 2021.

- Purposefully mismanaging a victim’s immigration status and/or application, so they become overstayers and/or without valid status. This might involve purposefully missing a deadline to renew a dependent’s visa;
- Deliberately using the immigration system to control and threaten a victim. For example, if the victim entered the UK on a spousal visa a perpetrator may use, or threaten to use, this dependency as a tool for controlling or coercive behaviour;
- Providing misinformation or mistruths to a victim about their rights or to multi-agency professionals involved in working with the victim. For example, falsely stating that the victim has NRPF when this is not the case; and
- Subjecting a victim to “honour”-based violence or abuse within a transnational context. For example, ensuring that a victim is at high risk of “honour”-based violence or abuse in their country of origin, and subsequently using the threat of deportation and the likelihood of additional harm as a tool to control them.

**For further guidance on migrant victims, immigration status and related considerations, please refer to Chapters 2 and 5 in the [Domestic Abuse Statutory Guidance](#).**

## Sexual orientation and gender identity

LGBT victims may experience abuse of power and control closely associated with having their sexuality, gender identity or gender reassignment used against them. This may include the following abusive behaviours:

- Controlling or undermining a victim’s sexual orientation or gender identity;
- Threats of disclosure of sexual orientation and gender reassignment to family, friends, work colleagues, community and others;
- Disclosing gender identity history, sexual orientation or HIV status without consent;
- Limiting or controlling access to LGBT spaces or resources;
- Using immigration law to threaten the victim with deportation to their country of origin, which might be unsafe, due to, for example, anti-gay legislation; and
- Violent physical or sexual acts motivated by beliefs about an individual’s sexual orientation or gender identity.

As with all victims, it is important that LGBT people are not viewed as a homogenous group. Abuse disclosed by lesbian women may be different to that of bisexual and trans women. Equally, gay men’s experiences may be different to that of bisexual or trans men.

For more information on LGBT victims of domestic abuse, please refer to Chapter 5 of the [Domestic Abuse Statutory Guidance](#).

## Annex B – The offence of controlling or coercive behaviour

The Domestic Abuse Act 2021 amended the controlling or coercive behaviour offence to remove the “living together” requirement, which means it may now apply to partners, ex-partners, or family members regardless of whether the victim and perpetrator live together.

**Section 76 of the Serious Crime Act 2015 (as amended by Section 68 of the Domestic Abuse Act 2021) provides that:**

(1) A person (A) commits an offence if—

(a) A repeatedly or continuously engages in behaviour towards another person (B) that is controlling or coercive,

(b) at the time of the behaviour, A and B are personally connected [(see subsection (6))],

(c) the behaviour has a serious effect on B, and

(d) A knows or ought to know that the behaviour will have a serious effect on B.

<sup>106</sup>

(3) But A does not commit an offence under this section if at the time of the behaviour in question—

(a) A has responsibility for B, for the purposes of Part 1 of the Children and Young Persons Act 1933 (see section 17 of that Act), and

(b) B is under 16.

(4) A’s behaviour has a “serious effect” on B if—

(a) it causes B to fear, on at least two occasions, that violence will be used against B, or

(b) it causes B serious alarm or distress which has a substantial adverse effect on B’s usual day-to-day activities.

(5) For the purposes of subsection (1)(d) A “ought to know” that which a reasonable person in possession of the same information would know.

(6) A and B are “personally connected” if any of the following applies—

(a) they are, or have been, married to each other;

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<sup>106</sup> Note, Subsection (2) has been omitted due to the amendments of the definition of ‘personally connected’ made by s.68 of the Domestic Abuse Act 2021.

- (b) they are, or have been, civil partners of each other;
- (c) they have agreed to marry one another (whether or not the agreement has been terminated);
- (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- (e) they are, or have been, in an intimate personal relationship with each other;
- (f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (6A));
- (g) they are relatives.

(6A) For the purposes of subsection (6)(f) a person has a parental relationship in relation to a child if—

- (a) the person is a parent of the child, or
- (b) the person has parental responsibility for the child.

(7) In subsection (6) and (6a)—

“civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;

“child” means a person under the age of 18 years;

“parental responsibility” has the same meaning as in the Children Act 1989;

“relative” has the meaning given by section 63(1) of the Family Law Act 1996.

(8) In proceedings for an offence under this section it is a defence for A to show that—

- (a) in engaging in the behaviour in question, A believed that he or she was acting in B’s best interests, and
- (b) the behaviour was in all the circumstances reasonable.

(9) A is to be taken to have shown the facts mentioned in subsection (8) if—

- (a) sufficient evidence of the facts is adduced to raise an issue with respect to them, and
- (b) the contrary is not proved beyond reasonable doubt.

(10) The defence in subsection (8) is not available to A in relation to behaviour that causes B to fear that violence will be used against B.

(11) A person guilty of an offence under this section is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both;

(b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both.

## Legal power for statutory guidance

**Section 77 of the Serious Crime Act 2015 provides that:**

Guidance about investigation of offences under section 76

- (1) The Secretary of State may issue guidance about the investigation of offences under section 76 to whatever persons the Secretary of State considers appropriate.
- (2) The Secretary of State may revise any guidance issued under this section.
- (3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.”

## Annex C – Provisions within the Domestic Abuse Act 2021 relevant to this guidance

### Section 1: Definition of “domestic abuse”

- (1) This section defines “domestic abuse” for the purposes of this Act.
- (2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—
  - (a) A and B are each aged 16 or over and are personally connected to each other, and
  - (b) the behaviour is abusive.
- (3) Behaviour is “abusive” if it consists of any of the following—
  - (a) physical or sexual abuse;
  - (b) violent or threatening behaviour;
  - (c) controlling or coercive behaviour;
  - (d) economic abuse (see subsection (4));
  - (e) psychological, emotional or other abuse;

and it does not matter whether the behaviour consists of a single incident or a course of conduct.

- (4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to —
  - (a) acquire, use or maintain money or other property, or
  - (b) obtain goods or services.
- (5) For the purposes of this Act A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).
- (6) References in this Act to being abusive towards another person are to be read in accordance with this section.

(7) For the meaning of “personally connected”, see section 2.

## **Section 2: Definition of “personally connected”**

(1) Two people are “personally connected” to each other if any of the following applies —

(a) they are, or have been, married to each other;

(b) they are, or have been, civil partners of each other;

(c) they have agreed to marry one another (whether or not the agreement has been terminated);

(d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);

(e) they are, or have been, in an intimate personal relationship with each other;

(f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2));

(g) they are relatives.

(2) For the purposes of subsection (1)(f) a person has a parental relationship in relation to a child if —

(a) the person is a parent of the child, or

(b) the person has parental responsibility for the child.

(3) In this section —

“child” means a person under the age of 18 years;

“civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;

“parental responsibility” has the same meaning as in the Children Act 1989;

“relative” has the meaning given by section 63(1) of the Family Law Act 1996.

## **Section 3: Children as victims of domestic abuse**

(1) This section applies where behaviour of a person (“A”) towards another person (“B”) is domestic abuse.

(2) Any reference in this Act to a victim of domestic abuse includes a reference to a child who –

- (a) sees or hears, or experiences the effect of, the abuse, and
- (b) is related to A or B. Domestic Abuse Statutory Guidance Framework 16

(3) A child is related to a person for the purposes of subsection (2) if –

- (a) the person is a parent of, or has parental responsibility for, the child, or
- (b) the child and the person are relatives.

(4) In this section –

“child” means person under the age of 18 years;

“parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act);

“relative” has the meaning given by section 63(1) of the Family Law Act 1996.

### **Section 68: Controlling or coercive behaviour in an intimate or family relationship**

(1) Section 76 of the Serious Crime Act 2015 (offence of controlling or coercive behaviour in an intimate or family relationship) is amended as follows.

(2) In subsection (1)(b), after “personally connected” insert “(see subsection (6))”.

(3) Omit subsection (2).

(4) For subsection (6) substitute—

“(6) A and B are “personally connected” if any of the following applies—

- (a) they are, or have been, married to each other;
- (b) they are, or have been, civil partners of each other;
- (c) they have agreed to marry one another (whether or not the agreement has been terminated);
- (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- (e) they are, or have been, in an intimate personal relationship with each other;

(f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (6A));

(g) they are relatives.

(6A) For the purposes of subsection (6)(f) a person has a parental relationship in relation to a child if—

(a) the person is a parent of the child, or

(b) the person has parental responsibility for the child.”

(5A) In subsection (7), for “subsection (6)” substitute “subsections (6) and (6A)”.

## Annex D – Relevant definitions in the Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) (Wales) Act 2015

(1) In this Act—

“abuse” (“*cam-drin*”) means physical, sexual, psychological, emotional or financial abuse;

“domestic abuse” (“*cam-drin domestig*”) means abuse where the victim of it is or has been associated with the abuser;

“financial year” (“*blwyddyn ariannol*”) means a period of 12 months ending on 31 March;

“gender-based violence” (“*trais ar sail rhywedd*”) means—

- (a) violence, threats of violence or harassment arising directly or indirectly from values, beliefs or customs relating to gender or sexual orientation;
- (b) female genital mutilation;
- (c) forcing a person (whether by physical force or coercion by threats or other psychological means) to enter into a religious or civil ceremony of marriage (whether or not legally binding);

“local authority” (“*awdurdod lleol*”) means the council of a county or county borough in Wales;

“Local Health Board” (“*Bwrdd Iechyd Lleol*”) means a Local Health Board established under section 11 of the [National Health Service \(Wales\) Act 2006 \(c.42\)](#);

“purpose of this Act” (“*diben y Ddeddf hon*”) means the purpose in section 1;

“relevant authority” (“*awdurdod perthnasol*”) has the meaning given by section 14;

“sexual violence” (“*trais rhywiol*”) means sexual exploitation, sexual harassment, or threats of violence of a sexual nature;

“statutory guidance” (“*canllawiau statudol*”) means guidance under section 15.

(2) A person is associated with another person for the purpose of the definition of “domestic abuse” in subsection (1) if—

- (a) they are or have been married to each other;

- (b) they are or have been civil partners of each other;
  - (c) they live or have lived together in an enduring family relationship (whether they are of different sexes or the same sex);
  - (d) they live or have lived in the same household; and for this purpose a person is a member of another person's household if—
    - (i) the person normally lives with the other person as a member of his or her family, or
    - (ii) the person might reasonably be expected to live with that other person;
  - (e) they are relatives;
  - (f) they have agreed to marry one another (whether or not that agreement has been terminated);
  - (g) they have entered into a civil partnership agreement between them (whether or not that agreement has been terminated);
  - (h) they have or have had an intimate personal relationship with each other;
  - (i) in relation to a child, each of them is a parent of the child or has, or has had, parental responsibility for the child.
- (3) If a child has been adopted or falls within subsection (4), two persons are also associated with each other for the purposes of the definition of “domestic abuse” in subsection (1) if—
- (a) one is a natural parent of the child or a parent of such a natural parent, and
  - (b) the other is—
    - (i) the child, or
    - (ii) a person who has become a parent of the child by virtue of an adoption order, who has applied for an adoption order or with whom the child has at any time been placed for adoption.
- (4) A child falls within this subsection if—
- (a) an adoption agency, within the meaning of section 2 of the [Adoption and Children Act 2002 \(c.38\)](#), is authorised to place the child for adoption under section 19 of that Act (placing children with parental consent) or the child has become the subject of an order under section 21 of that Act (placement orders), or
  - (b) the child is freed for adoption by virtue of an order made—

(i) in England and Wales, under section 18 of the [Adoption Act 1976 \(c.36\)](#), or

(ii) in Northern Ireland, under Article 17(1) or 18(1) of the [Adoption \(Northern Ireland\) Order 1987 \(S.I. 1987/2203\)](#), or

(c) the child is the subject of a Scottish permanence order which includes granting authority to adopt.

(5) In this section—

“adoption order” (“*gorchymyn mabwysiadu*”) means an adoption order within the meaning of section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002;

“child” (“*plentyn*”) means a person under the age of 18 years;

“civil partnership agreement” (“*cytundeb partneriaeth sifil*”) has the meaning given by section 73 of the [Civil Partnership Act 2004 \(c.33\)](#);

“female genital mutilation” (“*anffurfio organau cenhedlu benywod*”) means an act that is an offence under sections 1, 2 or 3 of the [Female Genital Mutilation Act 2003 \(c.31\)](#);

“financial abuse” (“*cam-drin ariannol*”) means—

- (a) having money or other property stolen,
- (b) being defrauded,
- (c) being put under pressure in relation to money or other property, and
- (d) having money or other property misused;

“harassment” (“*afionyddu*”) means a course of conduct by a person which he or she knows or ought to know amounts to harassment of the other; and for the purpose of this definition—

- (a) a person ought to know that his or her conduct amounts to or involves harassment if a reasonable person in possession of the same information would think the course of conduct amounted to or involved harassment of another person, and
- (b) “conduct” includes speech;

“sexual exploitation” (“*camfanteisio rhywiol*”) means something that is done to or in respect of a person which—

- (a) involves the commission of an offence under Part 1 of the [Sexual Offences Act 2003 \(c.42\)](#), as it has an effect in England and Wales, or

(b) would involve the commission of such an offence if it were done in England and Wales;

“parental responsibility” (“*cyfrifoldeb rhiant*”) has the meaning given by section 3 of the [Children Act 1989 \(c.41\)](#);

“relative” (“*perthynas*”), in relation to a person, means that person’s parent, grandparent, child, grandchild, brother, half-brother, sister, half-sister, uncle, aunt, nephew, niece (including any person who is or has been in that relationship by virtue of a marriage or civil partnership or an enduring family relationship).

## Annex E – Examples of reasons for retractions and withdrawals by complainants

- Fear of other offences being committed, or risk of further harm (both in person, but also through online technologies);
- Fear of coming face to face with the perpetrator in court;
- Pressure from the perpetrator, the perpetrator's family or associates;
- fear of repercussions that may follow from peers of the perpetrator, or gang members where either the complainant, perpetrator or both are involved in a gang;
- Pressure from other family members, other members of the community or community 'elders', including being pressured to resolve 'differences' between parties through mediation, or arbitration tribunals conducted within the community;
- Fear of being publicly shamed, disowned or outcast from the community;
- A wish to be reconciled with the perpetrator, if not already reconciled, or a wish to return to the family, if estranged;
- The complainant is no longer in a relationship with the perpetrator or does not want to re-live the incident;
- A fear that children will be removed and placed into care, or not wanting to be perceived as 'being difficult' if children or other dependants are involved;
- A fear the of impact on children, or other dependants, or financial repercussions (such as the receipt of certain child maintenance, tax allowances or financial support through benefits) if the perpetrator were to receive a custodial sentence;
- Continuing with a prosecution may cause the complainant to feel they are responsible for the perpetrator receiving a criminal record and the impact on their job and family finances;
- The perpetrator may agree to drop other proceedings such as child arrangement applications for children, if the complainant withdraws the complaint;
- Embarrassment at reporting the complaint (as a result of the complainant's or perpetrator's social background, or for example, in cases of [child to parent abuse](#));
- Fear they may not be believed and fears that the criminal justice system is biased towards the offender;
- Feelings of isolation or vulnerability, and fears they may not be believed as a result of those vulnerabilities;
- Fears that showing support for a prosecution may place them at further risk of harm;

- Fear of immigration status being made known to law enforcement authorities, or fear that a complaint may reveal the perpetrator's immigration status which may not be secure;
- Fear of being 'outed' about their sexual orientation, or transgender identity if not already known about;
- Fear of HIV status or other very sensitive personal information being revealed if not already known;
- Where complainants are involved in prostitution, fears that any previous contact with the police will result in their complaint not being taken seriously;
- Lack of engagement or communication from criminal justice agencies, or a fear of not knowing what will happen if they do support a prosecution; or
- Concerns that the criminal justice agencies are not aware of the issues they face or may not be sensitive to their specific situation (such as an understanding of why certain special measures are required).

## Annex F – Existing offences that may apply in domestic abuse cases

The following list is not exhaustive. It provides prosecutors with a list of existing offences that may be applicable in cases of domestic abuse.

<b>Domestic violence offence (England &amp; Wales)</b>	<b>Statutory provision or common law (England &amp; Wales)</b>
Threats to kill	Offences Against the Person Act 1861 s16
Shooting or attempting to shoot, or wounding, with intent to do grievous bodily harm	Offences Against the Person Act 1861 s18
Inflicting bodily injury with or without weapon	Offences Against the Person Act 1861 s20
Attempting to choke, etc. in order to commit any indictable offence	Offences Against the Person Act 1861 s21
Maliciously administering poison, etc. so as to endanger life or inflict grievous bodily harm	Offences Against the Person Act 1861 s23
Maliciously administering poison, etc. with intent to injure, aggrieve, or annoy any other	Offences Against the Person Act 1861 s24
Causing gunpowder to explode, or sending to any person an explosive substance, or throwing corrosive fluid on a person, with intent to do grievous bodily harm	Offences Against the Person Act 1861 s29
Assault occasioning bodily harm	Offences Against the Person Act 1861 s47
Consent to serious harm for sexual gratification not a defence	Domestic Abuse Act 2021 s71
Child destruction	Infant Life (Preservation) Act 1929 s1
Cruelty to persons under sixteen	Children and Young Persons Act 1933 s1
Offence of breaching restraining order	Sentencing Act 2000 s636
Rape	Sexual Offences Act 1956 s1 Sexual Offences Act 2003 s1
Procurement of woman by threats	Sexual Offences Act 1956 s2
Administering drugs to obtain or facilitate intercourse	Sexual Offences Act 1956 s4
Indecent assault on a woman	Sexual Offences Act 1956 s14
Indecent assault on a man	Sexual Offences Act 1956 s15
Procuring a miscarriage	Abortion Act 1967 s5(2)
Theft	Theft Act 1968 s7
Blackmail	Theft Act 1968 s21
Destroying or damaging property	Criminal Damage Act 1971 s1
Threats to destroy or damage property	Criminal Damage Act 1971 s2

<b>Domestic violence offence (England &amp; Wales)</b>	<b>Statutory provision or common law (England &amp; Wales)</b>
Violence for securing entry	Criminal Law Act 1977 s6
Abduction of child by parent	Child Abduction Act 1984 s1
Abduction of child by other persons (not parent)	Child Abduction Act 1984 s2
Affray	Public Order Act 1986 s3
Fear or provocation of violence	Public Order Act 1986 s4
Intentional harassment, alarm or distress	Public Order Act 1986 s4A
Harassment, alarm or distress	Public Order Act 1986 s5
Offence of sending letters etc. with intent to cause distress or anxiety	Malicious Communications Act 1988 s1
Common assault and battery	Criminal Justice Act 1988 s39
Intimidation etc. of witnesses, jurors and others	Criminal Justice and Public Order Act 1994 s51
Breach of forced marriage protection order	Family Law Act 1996 s63CA
Harassment - Putting people in fear of violence	Protection from Harassment Act 1997 s4
Stalking involving fear of violence or serious alarm or distress	Protection from Harassment Act 1997 s4A
Racially or religiously aggravated assault	Crime & Disorder Act 1998 s29
Racially or religiously aggravated criminal damage	Crime & Disorder Act 1998 s30
Racially or religiously aggravated public order offences	Crime & Disorder Act 1998 s31
Racially or religiously aggravated harassment etc	Crime & Disorder Act 1998 s32
Assault by penetration	Sexual Offences Act 2003 s2
Sexual assault	Sexual Offences Act 2003 s3
Causing a person to engage in sexual activity without consent	Sexual Offences Act 2003 s4
Causing or inciting prostitution for gain	Sexual Offences Act 2003 s52
Controlling prostitution for gain	Sexual Offences Act 2003 s53
Trafficking into the UK for sexual exploitation	Sexual Offences Act 2003 s57
Trafficking within the UK for sexual exploitation	Sexual Offences Act 2003 s58
Trafficking out of the UK for sexual exploitation	Sexual Offences Act 2003 s59
Administering a substance with intent to commit a sexual offence	Sexual Offences Act 2003 s61
Committing an offence with intent to commit a sexual offence	Sexual Offences Act 2003 s62
Trespass with intent to commit a sexual offence	Sexual Offences Act 2003 s63

<b>Domestic violence offence (England &amp; Wales)</b>	<b>Statutory provision or common law (England &amp; Wales)</b>
Improper use of public electronic communications network	Communications Act 2003 s127
Breach of non-molestation order	Domestic Violence, Crime & Victims Act 2004 s1
Trafficking people for exploitation	Asylum and Immigration (Treatment of Claimants, etc) Act 2004 s4 now superseded by the offence at section 2 of Modern Slavery Act 2015.
Kidnapping	Common law
False imprisonment	Common law
Perverting the course of public justice	Common law
Aiding, abetting, counselling, or procuring the commission of: (a) an indictable offence listed in this table; or (b) the offence of attempted murder	Accessories and Abettors Act 1861 s8
The offence of conspiracy in relation to: (a) an indictable offence listed in this table; and (b) the offence of murder	Criminal Law Act 1977 s1
Attempting to commit an offence in relation to: (a) an indictable offence listed in this table and (b) the offence of murder	Criminal Attempts Act 1981 s1
Encouraging or assisting an offence (inchoate offences) in relation to: (a) an indictable offence listed in this table; and (b) the offence of murder	Serious Crime Act 2007 ss44-46
Incitement (pre 1 October 2008) in relation to: (a) an indictable offence listed in this table; and (b) the offence of murder	Common law
Disclosing private sexual photographs and films with intent to cause distress (revenge pornography).	Criminal Justice and Courts Act 2015, s33
Threats to disclose private sexual photographs and films with intent to cause distress	Domestic Abuse Act 2021 s69
Forced Marriage	Anti-Social Behaviour, Crime and Policing Act 2014, s1210.
Offences relating to female genital mutilation	Female Genital Mutilation Act 2003
Non-fatal strangulation and suffocation	Domestic Abuse Act 2021 s70

## Annex G – Support available for victims

**Freephone 24-hour National Domestic Abuse Helpline (England)** – 0808 2000 247, open 24 hours a day, 7 days a week, 365 days a year.

**Live Fear Free helpline (Wales)** – Live Fear Free helpline is a free, 24/7 service for all victims and survivors of domestic abuse and sexual violence and those close to them, including family, friends and colleagues and concerned others. Live Fear Free can be contacted in the following ways:

- Call: 0808 80 10 800
- Text: 0786 007 7333
- Email: [info@livefearfreehelpline.wales](mailto:info@livefearfreehelpline.wales)
- Live chat: [gov.wales/livefearfree](https://gov.wales/livefearfree)

**Age UK** – an organisation that supports older people, including older victims of abuse. The Age UK Advice Line is on 0800 678 1602 and open from 8am-7pm, 365 days a year.

**Broken Rites** – a group offering mutual support and information to separated and divorced spouses and partners of clergy, ministers, and Church Army Officers.

**Childline** – an organisation offering help and support for children and young people. Helpline is on 0800 1111, open 24 hours a day, 7 days a week, 365 days a year.

**Clinks** – an organisation that supports the voluntary sector working with people in the criminal justice system and their families. Clinks have a directory of services, although it is not exhaustive, and are experienced in supporting women who have suffered domestic abuse.

**Court Navigation Network** – supports victims to make applications for civil orders in cases of domestic abuse.

**Dogs Trust Freedom Project** – a specialist dog fostering service for victims fleeing domestic abuse.

**FLAWS (Finding Legal Options for Women Survivors)** – a specialist service that provides criminal and family law legal advice for both women survivors and frontline workers across England and Wales.

**Hestia Respond to Abuse Advice Line** – a specialist advice line supporting employers to help staff experiencing domestic abuse on 0203 879 3695 or via email [Adviceline.EB@hestia.org](mailto:Adviceline.EB@hestia.org), open 9am-5pm Monday to Friday.

**Hourglass** – a specialist organisation aiming to end the harm, abuse and exploitation of older people in the UK. Their helpline can be accessed by phone on 0808 808 8141, text on 07860 052906 or email [helpline@wearehourglass.org](mailto:helpline@wearehourglass.org).

**Galop** – a specialist organisation and LGBT+ anti-violence charity offering support to LGBT+ victims.

**Jewish Women’s Aid** – a specialist organisation supporting Jewish women and children affected by domestic abuse. Their helpline is 0808 801 0500 and is open Mondays to Thursdays from 9.30am to 9.30pm (excluding Jewish holidays and bank holidays).

**Loving Me** – a specialist organisation providing one-to-one online support and advocacy for high-risk Transgender, Gender Queer and Non-Binary victims of domestic abuse.

**Karma Nirvana honour-based abuse helpline** – a specialist organisation supporting victims of ‘honour’-based abuse and forced marriage. Their helpline is 0800 599 9247 and is open 9am to 5pm, Monday to Friday.

**ManKind Initiative** – a specialist organisation supporting male victims of domestic abuse and their children.

**Men’s Advice Line** – run by Respect for male victims of domestic abuse. 0808 801 0327 open Monday to Friday 9am to 8pm or email [info@mensadviceline.org.uk](mailto:info@mensadviceline.org.uk).

**Mind** – a mental health charity providing advice and support to empower anyone experiencing a mental health problem.

**Muslim Women’s Network** - a specialist organisation supporting Muslim women and girls.

**National LGBT+ Domestic Abuse Helpline** – run by Galop. 0800 999 5428 Monday to Friday 10am to 5pm.

**National Stalking Helpline** – run by the Suzy Lamplugh Trust. 0808 802 0300 Monday, Tuesday, Thursday and Friday from 9:30am to 4pm and from 9:30am to 8pm on Wednesdays.

**NSPCC** – the UK’s leading children’s charity working to prevent abuse, rebuild children’s lives and support families.

**NSPCC female genital mutilation (FGM) helpline** – 0800 028 3550 or email [fgm.help@nspcc.org.uk](mailto:fgm.help@nspcc.org.uk).

**Paladin** – an organisation that provides support for victims of stalking.

**Rape Crisis England and Wales** – an organisation representing rape crisis centres across England and Wales which provide support for women and girls of all ages who have experienced any form of sexual violence. Their telephone number is 0808 802 9999. Their website also offers a Live Chat service.

**Rights of Women** – a specialist legal rights charity providing free legal advice to women experiencing or at risk of all forms of Violence against Women and Girls.

They advise on the law in England and Wales in relation to family law, criminal law, immigration and asylum law and employment law.

**Respect** – an organisation that works with male victims of domestic abuse and domestic abuse perpetrators. Respects operates the Men’s Advice line, a confidential helping for male victims of domestic abuse and the Respect Phonenumber for domestic abuse perpetrators and those supporting them.

**Restored** – a specialist organisation working to tackle domestic abuse by partnering with churches and Christian organisations.

**Revenge Porn Helpline** – open between 10am and 4pm, Monday to Friday. 0345 600 0459 or [help@revengepornhelpline.org.uk](mailto:help@revengepornhelpline.org.uk).

**SignHealth Domestic Abuse Service** – a specialist domestic abuse service to support the health and wellbeing of Deaf people.

**Sikh Women’s Aid** – a charity run by and for women from the Sikh and Punjabi community, tackling violence against women and girls. They can be contacted on 0333 090 1220 or by emailing [info@sikhwomensaid.org.uk](mailto:info@sikhwomensaid.org.uk).

**Sistah Space** – a community-based service working with African-heritage women and girls who have experienced domestic or sexual abuse or who have been bereaved by domestic abuse. They can be contacted on 0207 846 8350 or by emailing [info@sistahspace.org](mailto:info@sistahspace.org).

**Southall Black Sisters** – an organisation providing support for ethnic minority victims and migrant women.

**Stay Safe East** – a specialist organisation providing support for disabled and deaf victims of domestic abuse.

**Surviving Economic Abuse** – a specialist organisation dedicated to raising awareness of economic abuse and transforming response to it, working in partnership with Money Advice Plus to provide money/debt advice to victims of domestic abuse experiencing financial difficulties.’

**Suzy Lamplugh Trust** – support victims of stalking through the National Stalking Helpline and London Stalking Support Service.

**The Cyber Helpline** – support for victims of cybercrime and online harms. Supports victims in considering the digital evidence available and safe routes to access and save this information.

**UK Forced Marriage Unit** – advice and support for victims and potential victims of forced marriage, as well as professionals on dealing with cases. 020 7008 0151.

**Victim Support** – a specialist service helping anyone affected by any types of crime, not only those who experience it directly, but also their friends, family and any other people involved.

**Women's Aid Federation England (Women's Aid)** – an organisation supporting women and children affected by domestic abuse. Women's Aid direct services, which include the Live Chat Helpline, email help service, the Survivors' Forum and the Survivor's Handbook, can be accessed at <https://www.womensaid.org.uk/information-support>. Their website offers a Live Chat service available Monday to Friday 8am to 6pm and Saturday and Sunday 10am to 6pm.

### **Wales Specific Organisations**

**Dyn Wales helpline** – an organisation supporting male victims of domestic abuse. Helpline is on 0808 801 0321 or email [support@dynwales.org](mailto:support@dynwales.org).

**BAWSO** – a specialist organisation dedicated to supporting ethnic minority communities.

**Rape and Sexual Abuse Support Centre (RASASC)** - an organisation that provides information, specialist support and therapy to anyone who has experienced any kind of sexual abuse and violence; they can be contacted on 01248 670 628 or [info@rasacymru.org.uk](mailto:info@rasacymru.org.uk).

**Stepping Stones** - an organisation that provides therapeutic services to adults who have been sexually abused as children; they can be contacted on 01978 352 717 or [info@steppingstonesnorthwales.co.uk](mailto:info@steppingstonesnorthwales.co.uk).

**New Pathways** - the main sexual violence support service provider for Mid, West, East and South Wales; they can be contacted on 01685 379 310 or [enquiries@newpathways.org.uk](mailto:enquiries@newpathways.org.uk).

**Hafan Cymru** – offer support for vulnerable women, men and families, including those who are homeless and have experienced domestic abuse by helping them have safer and brighter futures; they can be contacted on 01267 225 555.

## Annex H – Glossary of acronyms

- AAC – Augmentative and Alternative Communication
- ABH – Actual Bodily Harm
- APP – Authorised Professional Practice
- APA – Adolescent to Parent Abuse
- APV – Adolescent to Parent Violence
- BSL – British Sign Language
- BWV – Body Worn Videos
- CAFCASS – Children and Family Court Advisory and Support Service
- CAPVA – Children and Adolescent to Parental Violence and Abuse
- CCR – Coordinated Community Response
- CCTV – Closed-circuit Television
- CPS – Crown Prosecution Service
- CSEW – Crime Survey for England and Wales
- DA – Domestic Abuse
- DAPNs – Domestic Abuse Protection Notices
- DAPOs – Domestic Abuse Protection Orders
- DARA – Domestic Abuse Risk Assessment
- DASH – Domestic Abuse, Stalking, Harassment and ‘Honour’-Based Violence
- DBS – Disclosure and Barring Service
- DSL – Designated Safeguarding Lead
- DVDS – Domestic Violence Disclosure Scheme
- DVPNs – Domestic Violence Protection Notices
- DVPOs – Domestic Violence Protection Orders
- FCA – Financial Conduct Authority
- FGM – Female Genital Mutilation
- FLOWS – Finding Legal Options for Women Survivors
- FOUR – Fixed, Obsessive, Unwanted and/or Repeated
- GBH – Grievous Bodily Harm
- GP – General Practitioner

- GPS – Global Positioning System
- HBA – ‘Honour’-Based Abuse
- HIV – Human Immunodeficiency Virus
- HMCTS – Her Majesty’s Courts and Tribunals Service
- HMICFRS – Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services
- ICBs – Integrated Care Boards
- ICO – Information Commissioner’s Office
- ICPs – Integrated Care Partnerships
- IDVA – Independent Domestic Violence Advisor
- ISVA – Independent Sexual Violence Advisor
- IVF – In vitro Fertilisation
- LGBT – Lesbian, Gay, Bisexual, Transgender
- MARAC – Multi-Agency Risk Assessment Conference
- NHS – National Health Service
- NPCC – National Police Chiefs’ Council
- NRPF – No Recourse to Public Fund
- NSPCC – National Society for the Prevention of Cruelty to Children
- ONS – Office for National Statistics
- PCCs – Police and Crime Commissioners
- RASASC – Rape and Sexual Abuse Support Centre
- SPA – Service Prosecuting Authority
- SPO – Stalking Protection Order
- VAWDASV – Violence Against Women, Domestic Abuse and Sexual Violence
- VAWG – Violence Against Women and Girls
- VPS – Victim Personal Statement